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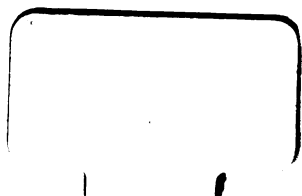
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STATEMENT OF FACTS

IN CONNECTION WITH THE

PETITION OF THE SPRINGFIELD

AQUEDUCT COMPANY,

FOR AN

ADDITION TO THEIR ACT OF INCORPORATION.

ALSO

HON. W. G. BATES' ARGUMENT

BEFORE THE COMMITTEE OF THE LEGISLATURE,

ON THE SUBJECT,

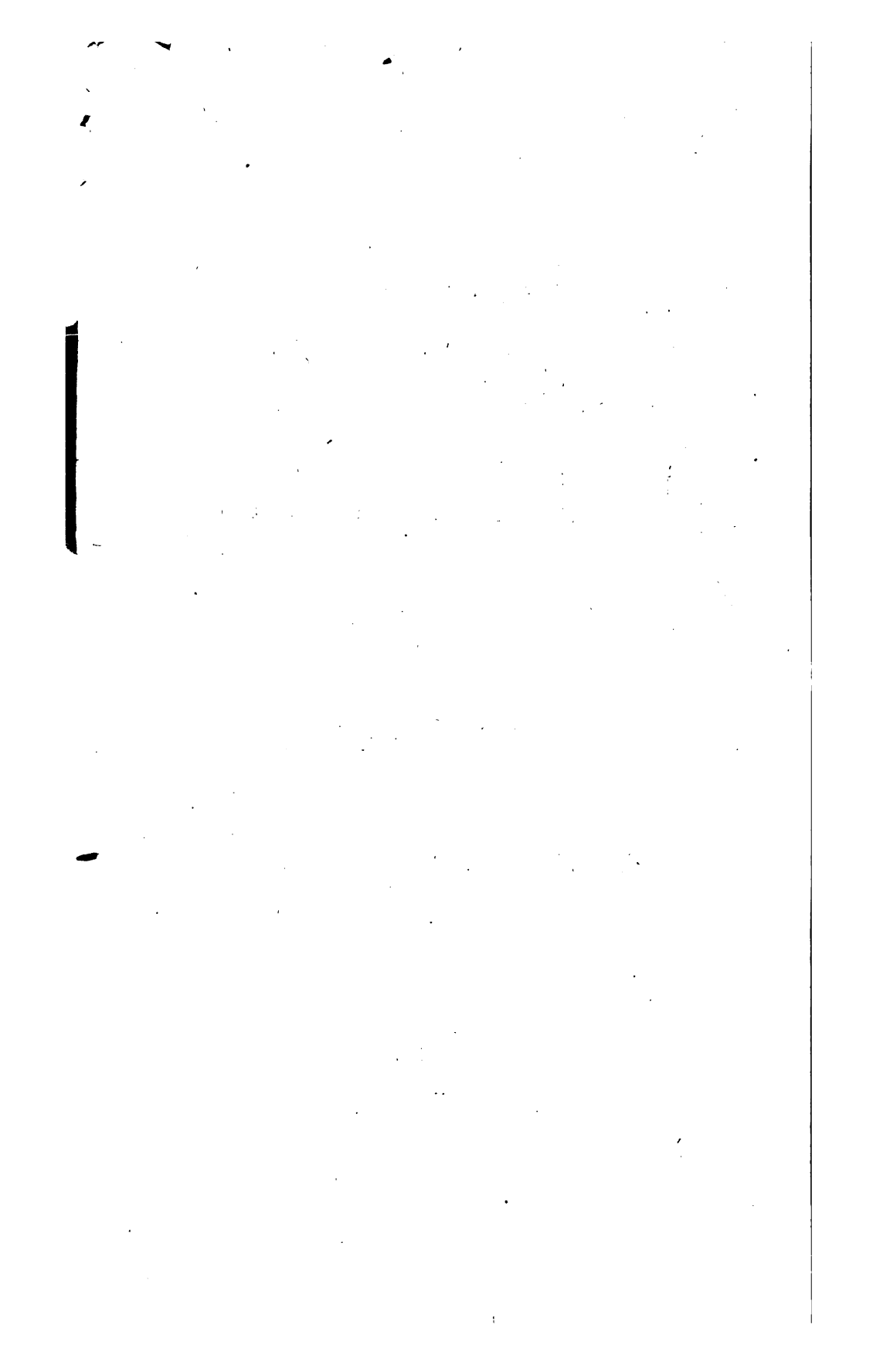
MARCH 23, 1849.

SPRINGFIELD:

G. W. WILSON, PRINTER, MAIN STREET,

Over Merriam, Chapin, & Co's Bookstore.

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STATEMENT OF FACTS:

The Springfield Aqueduct Company having presented a petition to the State Legislature for an extension of their act of incorporation of last year, and having been met with the opposition of a number of individuals, mostly citizens of this town but partly of citizens of an adjoining town, and the subject being one of deep interest to the citizens generally, it has been thought highly proper to give a brief statement of the facts in the case, as they have been developed since the petition was presented in January last.

The petition asks leave to use "*for the purposes of the Aqueduct,*" such springs or streams of water as the company may purchase, with such privileges, and be subjected to such liabilities as are usual in similar cases.

The original act it will be remembered, was opposed most strenuously, by several individuals, and no effort was left untried to defeat it. Among other expedients a town meeting was called, and the question submitted to the citizens. The result was as is well known, a computed majority of five to one in favor of the petition. This decided expression of the citizens did not seem to be satisfactory to the opponents, for the bill which was reported by the Legislative Committee, was contested most obstinately through all its stages.

It was well known that the opposition to this bill did not proceed from any *settled principles* applying to other cases involving the same principles, for three other bills for aqueducts were before the legislature at the same time, and they passed through all their stages, and became the laws of the state without a word of opposition from the individuals who so strenuously opposed the petition of the citizens of Springfield. It is also well known, that the opposition proceeded mainly from persons living out of the District where the aqueduct was located, and also who were men of wealth, possessed of ample means to provide themselves with water, and most of whom had aqueducts of their own. A portion of the opponents however were officers of the United States Armory, who had sufficient influence to procure the names to a remonstrance of some 50 or 60 of the armorers, who lived at a distance of from one to two miles, and who could not have had the slightest interest in the question.

The origin of this opposition was well understood to be a personal grudge against Mr. Stearns, the projector of the aqueduct, and it is very generally supposed, that if any other citizen in the town had been in his place, not a movement would have been made against the bill for incorporating the aqueduct company. It has been thought proper to

allude to the origin of the opposition, because members of the legislature and others living at a distance from Springfield, have often expressed their wonder that any opposition, whatever, should have been started against an enterprise so beneficial in its effects, as the abundant and cheap supply of pure water.

In the progress of the bill before the legislature of last year, the opponents succeeded in restricting the right to the use of certain springs, "four in number;" and although this restriction was objected to, as unusual and wrong, the petitioners acquiesced in it, as it was supposed the quantity afforded from these four springs, might furnish a tolerable supply for a year or two, and with the confident expectation that future legislatures would not deny a further supply, when it could be shewn that it was needed.

It has resulted that the unexpected demand for water by new applicants, consequent in a great degree upon the influx of population into the district where the aqueduct runs, and by citizens who had previously managed to get along with their other means of supply, has caused a *necessity* for a further supply of water. The Springfield Aqueduct Company has therefore petitioned the Legislature to that effect, and they desire to be permitted to use the springs, or streams which they may "*purchase*," and this supply is well understood in this community, to refer to the northern branch of the head of the north end brook, on land of Charles Stearns, east of the road leading from the Armory to Cabotville, and a small tributary to the garden brook, rising in the ravine near the old United States Magazine, on land now owned by Hon. J. Mills, and also running through land of Mr Stearns.

These sources of water were what the petitioners ask leave to use if purchased by voluntary agreement, so far as they are needed for the purposes for which aqueduct water is ordinary used by the citizens of the village, and the Company are bound to make good all damages which they may cause by their operations.

A general statement will now be made of the most important parts of the evidence which was produced before the Committee at their session, on the hearing of the case on the part of the petitioners, and of that of the remonstrants commencing Feb. 20, 1849.

Mr. Stearns, agent of the Co. stated to the com. that the time had arrived when it was necessary to take more water into the aqueduct than is allowed by the Act of last year, and he produced the evidence of Heman Smith Esq., John D. Gould, Lewis Foster, Jr., and Joseph Stebbins; all of whom testified strongly as to the increasing population in districts of the town where no other water of a quality fit for use could be procured. It was not anticipated that any one in Springfield would have the boldness to deny the exigency for more water, even if no direct proof on the stand had been produced, as it was a fact of such common notoriety.

Mr. Ansel Phelps the Attorney for the remonstrants, however, did deny that any exigency existed, which required the interposition of the authority of the Legislature, and gave notice that he should object to

the granting of power to use any water not included in the Act heretofore passed.

February 21.

Mr. Phelps for the remonstrants, read the several remonstrances which had been presented, which were signed by about 100 persons, including the overseers of the poor of Springfield.

The witnesses for the remonstrants consisted of Elijah Blake, Daniel Hitchcock, S. S. Day, Josiah Hooker, Addison Gilmore, President of the Western Rail Road, George Bliss, George Dwight, James Brewer and Henry Sargent.

Mr. Blake's testimony went mostly to the point that the poor house farm would be injured by a diversion of any part of the water, principally on account of the uses which were made of it for the house, but he admitted that if the aqueduct water was taken to the Poor-house, it would be a better supply than they had at present. He also said that the Selectmen visited the farm in a body with particular reference to the damage which the Town would sustain, and declined acting in the matter, referring it to the Overseers of the Poor.

Mr. Hitchcock told about the sources of the brook and gave an opinion as to the proportion of water that would be diverted by the proposed aqueduct, and the damage that would be sustained by the Town and individuals.

Mr. Day is an owner of land on the line of the brook, and if the water were entirely taken away it would be of little value. Had been a water taker at the American House, where previously he had no good water; his well water was brackish and bad. Had no water power on his lot.

Mr. Hooker testified about the stream running through his farm, and that "*no money* would tempt him to part with the water"; understood that in the Act of last year there was an agreement to except this stream, and opposition to the bill was abandoned in consequence. Spoke of the Mill River project, would not admit there is an exigency for more water, but don't think the springs owned by the Aqueduct Co. would furnish water to supply the present demand, and for two or three years hence. Takes the aqueduct water for a hotel and several houses.

The President of the Western Rail Road was brought before the committee to testify in regard to a contract between the Corporation and Charles Stearns, and it having properly nothing to do with the question, it will not be farther noticed.

Mr. George Bliss did not think there was any public exigency for the water amounting to a necessity for any portion of the population. Did not think the meadow could furnish water for family purposes. All the meadow south of the Railroad could be furnished with aqueducts from the adjacent high-grounds. Supposes he has water on his grounds enough to supply 200 families: so far as his knowledge extends there is not a shadow of necessity for an extension of power to the Company; never have known any difficulty in obtaining water from these sources by persons who choose to do so.

"Supposed if we gave you the water of the springs included in the bill, you would never ask for more."

The proper way to supply Springfield with water is from Mill River, in iron pipes. Should not think it as good as the water of the Aqueduct Company.

Geo. Dwight—Is a proprietor in the Gas Works; is partly dependent on the Aqueduct Co. for water. There is no doubt of abundance of springs in the hill south of the Rail Road, accessible to the people. There is an ample source of supply for the people if they choose to seek it. Don't think the small freeholders *could* individually procure fountains of water, they would have to form associations.

James Brewer—The meadow *must* be supplied by Aqueducts. There is a convenience, but do not think there is a necessity for more water for the flat. South and north of the Railroad in the meadow there is a necessity for more water. I am supplied at my tenements in the meadow, by the Aqueduct Company.

Henry Sargent—Owns several acres of land watered by north brook, and is apprehensive that a diversion of a portion of the water will be injurious to his property.

The hearing at this stage was adjourned to a time afterwards to be agreed upon. The Agent of the Aqueduct Co. considered that he had made out a clear case of exigency, and if he had done so, he supposed that if the precedents of former Legislatures had been followed, a bill would have been reported. It was thought proper however to examine the case farther, and it was continued to March 21.

The testimony at the second hearing on the part of the remonstrants, has been so generally commented upon by Mr. Bates, in his argument on the part of the petitioners, which will accompany this statement, that it will not be necessary to allude to it, except on one or two points upon which it may be proper to say a word.

The testimony on the part of the petitioners will be given in a very condensed form.

Charles Stearns—Exhibited a map of the several streams mentioned in the case, showing the whole lines of aqueduct pipes, exceeding 13 miles in length. Has a dam and reservoir on garden brook, which he thinks very much more than compensates the water privileges below, for the water taken in the aqueduct pipes; has two other places on the same stream which may be made at small expense to serve the same purpose. The Aqueduct Co. do not propose to take any body's springs except by fair purchase; all springs which are less than 80 feet elevation above Main street, are utterly useless to the Aqueduct Co., for the reason that their reservoirs are all on that elevation, and all on a level with each other.

The water of the north branch of north end brook, is by *actual measurement*, about two-fifths of what comes from east of the Armory road, and by estimation, about one-fifth of the amount which crosses the road near Francis Burt's. The taking of the stream proposed, would not injuriously diminish the supply of the pastures, &c. below, for any

purpose for which it has as yet been used. There would be as little injury to proprietors of lands, by taking this water and in laying the pipes, as there would be in any case which could be imagined. Speaking for the Aqueduct Company, he should be willing that a provision should be made in the bill, that if there should be a deficiency, it would be supplied from the Aqueduct. Since the Act of last year, about 140 new takers have been supplied, and there are now 900 to 1,000—there are now over 50 applicants for the water, about 3-4ths of them live on the flat. These have no means of supplying themselves except from the Aqueduct. On the east of Chestnut street, the ground is much of it hard pan, and does not afford an adequate supply of good water. In regard to fire reservoirs, with a good supply of water at the sources, no fire machinery in the town could exhaust it.

In the district where the aqueduct goes, 150 dwellings calculated to accommodate 300 families, have been built during the last year, and there is a good prospect of as many more the present year.

Parvin Clapp—Has worked on the Aqueduct as a foreman, a large part of the time it has been building. Knows there is a great want of water in the district spoken of—lives on the corner of Main and Ferry streets—knows of no well in use, east of Main street, north of the Railroad. The part of the town where the Aqueduct runs, is increasing faster than any other part. The present water takers are not fully supplied, and on the high ground, at times, they cannot get any water at all—it is necessary to shut off the water of nights to fill a large reservoir, to supply this section; the springs asked for would make the supply good; there would be a good supply left for stock, &c., in the pastures, if this water were taken.

Col. E. Russell—Formerly owned the Hampden House; now lives in Elm street, near Court Square. Thinks there is a great want of water in this village.

The wells, west of Main street, are not fit for washing—have a well, but do not use it; before the Aqueduct was built, I used to bring water for washing, from the river—the neighbors did the same. The deficiency last year has been so great, that we have had to draw water Sunday evenings, to wash with Mondays—the district north of the Railroad has no springs, and is populating faster than any other part of the town; it has no other means to get water except by this aqueduct. The public safety requires that there should be a large supply of water to fill the fire reservoirs. Springs flowing from the foot of Chestnut street are not high enough to run on the west side of Main street, where he lives—thinks the diversion of the north branch of north end brook, would diminish it 1-4th or 1-6th, at the old Cabot road.

J. D. Gould—Foreman of the Aqueduct Co.,—The people are calling on me every day to give them more water. I answer them that I give them all we have, and can give them no more, unless we have more springs—was present at the measurement of the Vanhorn, and other springs, and the proportion stated by Mr. Stearns, is correct.

The springs are lower this winter, than in a dry time in the summer. Have put in six new hydrants since the last hearing, and have had ten or twelve new applications since.

Heman Smith, Esq.—Made the plans ; they are essentially accurate. Chestnut street, at the Railroad crossing, is 20 feet higher than Main street. The highest point to which the service pipes go, is 55 feet above Main street. Have no doubt that if the brook running through the Town Farm were diverted, the land for agricultural purposes would be better for it ; it cannot be used for irrigation, and the land through which the brook flows, is already too wet. The town brook is useful merely to carry off the filth of the village.

Samuel Bailey—Lives on State street—ten years ago took water from the Aqueduct of George Bliss, which runs through my garden—every summer there was a difficulty of water. When the new aqueduct was started, applied to Mr. Stearns to have it brought to my house, at whatever cost ; have taken it ever since. Lately have been short of water and have been to my neighbors for it ; think the growth of the village will go on for ten years at the present rate, and there is no other way to get water so good as this.

John B. Kirkham—Live near Mr. Bailey's ; am an Engineer in the fire department—had charge of building the fire reservoirs ; one is above my house ; one or two only of the reservoirs could be filled otherwise than by the Springfield Aqueduct—think it important in case of fire to have the aqueduct up to keep up the supply at the reservoirs. The aqueduct is not now sufficient in quantity to supply the citizens and at the same time to keep up the supply at the fire reservoirs in case of a large fire. Main street is 50 rods from the river at Elm street. The water in Town brook is frequently muddy, and the sand and grit is injurious to the fire engines ; made an unsuccessful application to Mr. Orne for water to fill the reservoir near his house, from his private aqueduct.

Joseph Stebbins—Is a farmer ; the Town farm is now too wet and boggy, and needs draining. The meadow east of Main street was formerly boggy and liable to be overflowed, but has been drained by lowering the Town brook, and by a sewer to the river. The Town Farm would be benefitted by draining, and will not raise good crops till it is.

J. D. Decret, Esq.—Was a member of the Legislature, and a member of the Committee on Manufactures, last year ; is in the lumber business ; live on Chestnut street, and have the aqueduct water. Since the last session of the Legislature, the water at my place has been short—have heard the same from other quarters—dont know of any other sources of equally good water except from springs near those used by the company—and an aqueduct from those would be liable to the same objections as from those asked for. THERE WAS NO TALK BEFORE THE COMMITTEE OF LAST YEAR, ABOUT A COMPROMISE.

The bill was opposed by Mr. Dwight, acting, as he said, for Dr. Os-good and others, on north end brook. The exception was in conse-

quence of the opposition to the grant ; and it was thought the springs granted would be sufficient for the purpose of the aqueduct for the present. I think all the springs granted were in the original bill—and that Dr Osgood's objection was connected with the Vanhorn and Chapin springs.

G. W. Townsley—Has lived in High street east of Maple street ; the water there was hard and filled with a substance resembling fine particles of wood. The well was several times cleaned out to get rid of this sediment, but without success. Applied to Mr. Orne to let me have water from his aqueduct, which lay through my garden ; he would not let me have any. High street could not be supplied from the Aqueduct of the Company, except they had a larger supply.

Being about to remove this Spring to another house, my wife said to me she wished to go where the aqueduct water could be had, and she would be willing to do without water for drinking, if she could have soft water for washing. Have a new shop, and applied about a month ago for the Aqueduct water ; Mr. Stearns said he would be glad to furnish it if he could.

Wm. H. Parsons—Am a mason ; have lived on Wilcox, Howard, and Water streets ; have built about 20 houses on my own account within 3 years ; some of them for two families ; these houses are on Auburn, Howard, Water, Williams, Union and Morris streets. The most of them are supplied by the Aqueduct water.

Have been applied to, to use my influence with Mr. Stearns, to carry the water into Morris Street ; the wells generally so far as I know are poor and the water hard, and not much used, when the aqueduct water can be had. Have dug at least six wells within three years, and they are not used, have been at great expense to keep well water pure. I have a spring purchased of Mr. Stearns, which supplies a number of families.

Hon. Wm. B. Calhoun.—Live in the neighborhood of the Poor house ; My water for a year past comes from the Springfield Aqueduct to my house and barn. Had a well formerly, but it failed :—then I relied on the brook ; and then on a neighbor for drinking water. On the low ground north of the Railroad my impression is, there is a necessity for a better supply of water ; before the aqueduct was brought to my neighborhood, I depended on the brook to water stock, since then I have used water from the aqueduct. When the cattle went to the brook I think they did not drink as well or do as well as since being supplied by water from the aqueduct at the barn.

A portion of the upper part of the town might be supplied by wells ; but I should think the aqueduct would be indispensable. The population is fast increasing on the flat below me. I know many of the names on the petition and they are highly respectable :—The ladies' petition has as respectable names as any among us.

Rev. Doct. Osgood.—The people on Chestnut, Maple and upper part of State Streets, were formerly pretty generally supplied by aqueducts—region west of Main Street, from north of Worthington Street

down to Howard Street, is now supplied in a great measure by the aqueduct I suppose, don't know about the wells. Below State Street, there are more aqueducts than above ; where I lived in 1811 I had an old aqueduct from the hill near Worthington St. I also had a well ; we used the wells till we had the aqueduct. I offered to supply my neighbor Mr. Pyncheon and he declined taking it. East of Main Street I know but one well on the flat. There has always been abundance of water flowing in the north brook. With the Vanhorn spring and off there would be always water enough for cattle. My son keeps twenty cows.

The water power is considerable at Burt's place, larger than some others in Springfield. The north brook is a "*perennial*" stream ; at the road near Burt's, it covers a rod in width in some places, very shallow, in others, half a rod in width, not over half a foot in depth. There is not a fourth more water at the Cabot road than at my son's land. I take the Aqueduct water for two tenements, which I rent. Never had any liberty from the Selectmen, to cross the highway with my aqueduct. Mr. Stearns has repeatedly endeavored to negotiate for the right to cross my land with the aqueduct and I declined on the ground that he had charged me with supreme selfishness.

Mr. Stearns called again.—There was no compromise or agreement last year of which I had any knowledge, as has been stated, by which there was no more water to be brought into the aqueduct, and that is made evident from the fact, that the opposition to the bill was unremitted and virulent during all its stages of passage in the Legislature.

The foregoing is an impartial summary of the statements made by the several witnesses, who appeared before the Committee of the Legislature when the parties were heard, so far as the statements had any bearing on the issue, and as nearly in the same language as could be taken down by an expert and accurate reporter. The minutes of the counsel for the petitioners have also been consulted, The object being to give a fair view of the *material* portion of the evidence in as brief a manner as was consistent with the object, much irrelevant matter has been omitted.

It now remains to allude to the manner in which the petitioners have been met, and the expedients which have been resorted to, to defeat the object prayed for.

The first was, to circulate remonstrances, all of them drawn up by a single individual, and circulated mainly by that individual and his agent. Those remonstrances were lengthy documents, stating what were assumed to be facts, and embracing a considerable amount of argument. In circulating those papers, the sympathies of people were operated upon by statements, that the effect of granting the petition, would be extremely detrimental and in effect ruinous to the property through which the stream runs, from which the supply of water was in part to be taken.

In this very many persons were induced to sign the remonstrances, who on learning that they were misled, have stated that they regretted

allowing their names to be used against the petitioners for a further supply of water, fully believing that more was needed, and a considerable number of them presented a petition to the Legislature, stating the reasons which induced them to oppose the petition and now asking that it may be granted.

The copy of the remonstrance of Pliny Chapin and others, purporting to be from citizens of Springfield and Chicopee in the County of Hampden, is entitled to special notice.

This remonstrance is signed by 29 persons, and not a single individual is a resident of the Town of Springfield, and not one of the whole number except the person who heads the petition, has the least interest in the question near or remote. Yet this glaring fraud is perpetrated apparently without remorse, to defeat the petitioners by deceiving the Legislature.

Another expedient was to bring the influence of the officers of the Western Rail Road against the petition. Mr. Gilmore the President of the Company, was introduced before the Committee to state that he was willing to annul a contract which the Aqueduct Company have with the Rail Road for supplying water at the Depot at Springfield, and which would relieve a large amount of water to be used for other purposes. Mr. Gilmore showed no authority by which he could annul the contract, neither was there any authority in the officers of the Aqueduct Company to do it, if he had; besides their proposition was made without a minute's notice to the Aqueduct Company. It was evident that this expedient was got up merely to entrap the petitioners, and without any investigation on the part of the Western Rail Road, who will find on examination that the mode of supplying water for the Depot suggested by the President would cost at least three times as much annually as they now pay to the Aqueduct Company.

The application of Harvey Hills to purchase a water power of Francis Burt, was also a pretence got up for the occasion. It is not to be supposed that Mr. Hills was serious in wishing to purchase a water power on that diminutive stream, in that distant part of the town, and be at the expense of building a dam, when he knows there is a water power on Garden brook with a dam already built, in the center of the Town, for sale at a low price.

The next is the Mill river humbug.

The public and the Legislature ought to know, that this pretended enterprise was never undertaken with any serious *expectation* of carrying it out, but it was purely intended to obstruct the application of the Aqueduct Company, and the Legislature will hear no more of the matter. The gentleman who had the honor to head the Mill River petition did however testify that there was "a great cry for water in the village, and so far strengthened the evidence of an exigency."

The last expedient which has been adopted to defeat the petition, which will be alluded to, is, to depreciate the influence which the names of more than 700 citizens, and of near 300 females, all living in this village, might have on the Committee. It was attempted most assidu-

ously to impress the minds of the Committee, that these persons neither knew or cared what the object of the petition to which they put their names, was : but that they signed to get rid of importunity ; it being very true that many of the names were new to the Gentlemen who scrutinized the list most closely ; it was broadly intimated that many of them might be spurious. It is not to be expected that Gentlemen who are absent from town and even from the country, for long periods, and who, when at home, do not mix very intimately with the people, should know the names of any considerable portion of those who are greatly adding to our population ; yet it is not impossible that these new comers are as intelligent, and are as careful what papers they sign, as those who sneer at them ; and it is most certain that they are for the most part so located as to be able to judge of the value of an abundant supply of water as well as any others.

The impression made upon the Committee by the insinuations alluded to, having, as is apprehended, operated on their minds unfavorably for the petitioners ; it has been determined to submit the question at a public meeting, to be held in the Town Hall, very soon, where all, whether favorable or adverse to the petition for leave of the Legislature to introduce a more copious supply of water, will have an opportunity to be heard and to act. If it should result that a majority of the citizens of the Town are adverse to the object, the petitioners will voluntarily withdraw, and, if on the contrary, as is fully believed, a large majority should express themselves in favor of the objects of the petitioners it is to be hoped that the wishes of the majority will have some influence on the decision of the Legislature.

MR. BATES' ARGUMENT.

MR. BATES, Counsel for the Petitioners, commenced his argument *Ab* observing that, to the wish expressed by Col. Bliss, in the conclusion of his remarks, that the case might be fairly considered and adjudged, he responded a hearty Amen! That there were cases, where the zeal of the parties, in applications to the Legislature, led them to make improper approaches to the Committees; to communicate to them false impressions; to state false facts; and, so to bias the minds of a legislative tribunal, as to induce an unjust and improper result. He cautioned the Committee to disregard all suggestions made to them, either here or elsewhere, from any source, except those which came legitimately before them, and to make up their report upon the evidence laid before, and the arguments addressed to them.

He said that he should not have alluded to the Petitioners or to the Remonstrants, as being either aristocrats or plebeians, but in reply to the suggestions of the Counsel who had addressed them; that it mattered not to what class either of those parties belonged; nor was it true, that the Petitioners for an Act of Incorporation were always aristocrats, or their opposers always those who feel the deepest affection for the welfare of the people; that an Act of Incorporation was a privilege prayed for from the Legislature; and that, though it might sometimes be asked by rich men, for their own advantage, it might also be prayed for by poor people, and by the friends of poor people, to aid them against oppressive exactions from their richer neighbors.

The Act of 1848, incorporating the Petitioners, defined their powers, duties and liabilities. It provided what water they might take, what they *should* do with it, in part, what they *might* do with it wholly, and in what way they should pay for the water so taken, and the damages occasioned thereby.

The Petitioners represented, that the water secured to them was not sufficient for the wants of the people, and they asked for an increase. The true question before the Committee was one of exigency. Was more water wanted by the public? Was there a deficiency in the existing supply, for the common good of the people?

In imitation of the opposing counsel, he would call the Committee to the topographical view of Springfield, on the subject of its water wants; and, feter noticing the peculiar situation of the town, as it appeared in evidence, it was proved, he said, that its water was generally bad. Even in the early days of Doctor Osgood, 40 years ago, it was bad; and, though the water of the Doctor's well was good to drink, as also that of some of his neighbors, yet spring-water was wanted *then*! If it had not been so, the Doctor never would have engaged in the construction of aqueducts for his own necessities, and for sale to his people.

He remarked upon the circumstances connected with the hearing of the application the last year; the visit of the Committee to Springfield; their long examination of witnesses, and the unanimity of their Report; unanimous, save only in the dissent of one member, who, from the evidence, appeared to labor under feelings induced by prejudices improperly engendered. The Legislature had passed the Bill, with some amendments reported by that Committee. The fact then had been legislatively passed upon—adjudicated,—that more water was then wanted. If that supply was sufficient, the Petitioners ought not to be here; but, if there is the same exigency for the supply of more water now, as there was for the supply of 1848, then he could see no reason why the Legislature should not extend the powers prayed for, commensurate with the necessity.

Why, he asked, are the Petitioners here now? Why seek to pay damages to land-owners, mill-owners, aqueduct-makers and laborers, if they have water enough already?

The counsel for the Remonstrants had answered that question. They wanted it to sell! To whom? The answer is—to the people! to those who want to pay for it, and to use it!

How many of these people are they? The petitioners show the names of 1,054 who ask for the Act, and all these persons reside upon a single square mile, in the village of Springfield! It was said that names were nothing—that the repetition of names, was only the repetition of the same reason; and, that a petition numerously signed, carried no more weight with it, than one with but few names upon it. He did not so regard it; and when he saw the names of between two and three hundred females, some of them well known to him, and proved to the Committee to be of the highest character in Springfield, he thought that the Petitioners were not to be thrown aside, as not deserving the confidence of the Committee.

Another piece of evidence had been produced by the Remonstrants, which seemed to show, most strongly, a public exigency. He alluded to the Petition of Lauren Trask and others, for an Act of Incorporation for supplying the people of this same Springfield, with pure water from Mill River. Here come some half a dozen of the owners of that most industrious stream of water, proposing to divert it from the works of the United States and from their own Mills—proposing to pay to Mr. Bangs some \$30,000 for his property, in order to remove his objections to the diminution of his water-power, unless they can induce him to join with them in this profitable undertaking.

Their counsel had anticipated an objection, that this scheme of introducing water from Mill River was a feint to defeat the Petitioners, without any intention of actually carrying it out. He should make, he said, no such objection. How could he make it, in the face of the evidence? For it was fully proved by the Remonstrants, that it was a real scheme, and a profitable one; that, though Mr. Bangs at first objected to it as tending greatly to injure his water power, yet that such arguments and inducements had been made to him by the other owners of the power, that they had good reason to believe that he would consent to unite with them in diverting the water from his mills, to the supply of the wants of the people. How could he make such an objection, when Mr. Trask has testified that there had been, during the first year, a great and general cry among the people for more water! a demand so exigent, as to induce him to believe that its supply afforded to the people for the daily wants of life, would be more profitable to the owners, than the use of it, nine times over, for manufacturing purposes!

In corroboration of the evidence of Mr. Trask, was that of Col. Bliss, one of the opposers of the Petitioners, and the Counsel of the Remonstrants. He had testified, according to the minutes of the Reporter before him, that the proper place from which to take the water for the supply of the wants of the people, was this very Mill River; though Col. Bliss had himself admitted, as appeared on the same minutes, that the water was not so good in quality as the water of the Petitioners. He should not remark upon a portion of the testimony of Col. Bliss, relating to its fitness for the use of the people upon the flat, because the expression was denied by him as having been made; but, for his part, he could see no great difference between the point so denied, and the testimony above referred to. What right has Col. Bliss, or any other man, who happens to be well supplied himself with pure water, to come here and say that the people shall drink a *poor* quality of water? That they shall not be allowed to drink the *purer* water of the Petitioners, but shall be compelled to use the *poorer* quality which comes from Mill River?

For his own part, he could say that the very best of water, which is brought by an aqueduct, is poor enough. In comparison with the water from a good well, the Cochituate water is poor. And he would say to the Committee, as he had before said to Mr. Stearns, that the water brought from the pure springs of the Petitioners, is, comparatively, poor. Even in the Union House, one of the very best hotels in the State, and in the whole country, the water of their aqueduct, though brought from a spring, and with especial care, is poor. Such, from the time he had known it, had been his opinion; and, though he had been an inmate of the house ever since its establishment, at frequent intervals, yet that frequent use had not led him to regard it as equal to good well water. Such an opinion he had heard expressed of it by others.

Taking, then, this testimony of Mr. Trask and Col. Bliss to be true, was not the exigency made out? The argument was briefly this. A large portion of the people have no supply. An investment of \$25,000 has made the town plat of Springfield "a net-work of aqueduct pipes;" and yet, so great and loud has been the cry for *pure water*, that, in the opinion of the owners of Mill River—in the opinion of Col. Bliss, it is proper to introduce even the poorer water of that industrious stream—a stream whose industry has imparted to Springfield no inconsiderable portion of its wealth—for the supply of the daily uses of the inhabitants of that town, as an article of daily diet! If this evidence did not prove an exigency, how was it to be proved? Look at the special legislation upon this subject, extending from the beginning of the present century to the past year. Look at the provisions for the supply of Boston, of Salem, of Worcester, and, more than all, of Adams, and Williamstown, in the midst of the spring-gushing hills of Berkshire, and see where a case of exigency has been made more apparent!

But there was other evidence, even from the Remonstrants. It was proved from their witnesses, that the Town Brook, once the source of a large supply, had now failed, and was merely a sewer to carry off the filth of the village—that some of the persons now depending upon the Petitioners were forced to go to their neighbors, because of an inadequate supply—that wells which were formerly tolerable, (at the American, for instance,) are now brackish and bad—and that a large and an increasing population, north of the Railroad, have no means of supply but from the sources of the Company. Even the Poor-House is in want! and the Overseer testified that it could be better supplied from the water of the Petitioners than from its present means. In proof of these positions, Mr. BATES referred to the testimony of

Elijah Blake, Samuel S. Day, Lauren Trask, Josiah Hooker, George Bliss, George Dwight, James Brewer, and Samuel Osgood, whose testimony he examined particularly.

But, it was objected, that if the water was wanted, it was not necessary to take these springs, since there were other sources of supply, except Mill River; and Col. Bliss had stated, that *he* was the owner of water sufficient for several hundred families, which he was ready and willing to sell. Why had he not sold it before? And how did it happen, that, while Col. B. had in possession enough and to spare, and the people had long been in want, and even the Remonstrants themselves were supplied by the Petitioners, he had never opened his springs to the thirsty mouths of the people? The answer was an obvious one! and that answer was an index of the motive of his opposition.

The Committee would place much reliance upon the testimony of Capt. George Dwight, who probably knew as much upon this subject as any one of the Remonstrants' witnesses. That witness testified to a scarcity, in some parts of the town, and he further stated, that the people being generally poor, could only supply themselves by forming voluntary associations. Now if these Petitioners should be sent away, without the means of supplying existing and increasing wants, and the Mill River project should fail, as *possibly* it may, and these associations should be formed for the purpose of obtaining one of the means of life, from *whom* can they obtain it? From Col. Bliss, provided they will pay a price sufficient to induce him to part with what neither the efforts of competition, nor the demand, nor his regard for Mr. Stearns, nor his love of the people have yet induced him to part with—his abundant supply of water!

The fact of this supply, still unsold, but ready to be sold, would seem to aid the prayer of Petitioners. They want the water to *sell*. The people wish to buy it; and while these two sources of supply remain, they can never be taxed exorbitantly for this great necessary of life.

It was, also, contended upon the evidence, that the supply, for present necessities could be obtained, if the Petitioners should put an end to the contract with the Western Railroad Corporation, and divert their water from the purposes of the Road, to the uses of the people. Granting that the parties could come to an arrangement, so as to annul the existing contract, which, by the way, is by no means clear, why should the Petitioners forego a fair and advantageous contract with the Corporation? They are authorized to sell water, as well to them as to individuals; and if their contract is a valuable one, why should they be forced, or called upon to relinquish it? Why may not they make a further use of their own water and springs, provided they are made to pay all damages to every person or persons who may be injured by such use?

Thus far, said Mr. BATES, the argument has proceeded principally upon the evidence adduced by the remonstrants. There was, besides, the testimony of thirteen witnesses, who stated facts, and who gave opinions, which would seem entitled to the confidence of the Committee. It appeared fully from their statements, that there was a want of water, notwithstanding the existing supply; and they all concurred in the expression of an opinion that there was a public exigency. The Committee could judge, from the character of men, how much reliance to place upon these facts, and from the facts stated by them, as to the correctness of their opinions.

He then adverted to the statements of Charles Stearns, Samuel Bailey, John B. Kirkham, Joseph Stebbins, Joseph D. Decreet, G. R. Townsley, P.

Clapp, John D. Gould, Lewis Foster, Jr., Heman Smith, Wm. H. Parsons, and Hon. Wm. B. Calhoun, as bearing upon this part of the subject.

Mr. BATES next adverted to the injuries, which might result to individuals, from the use of the water; and went into an extended analysis of the evidence bearing upon this point. He felt disposed to adopt the definition of the counsel, of a public exigency; and was willing to take it upon himself to show that the benefit was a public benefit, greater in its advantages to the people of the village, than in its injuries to individuals.

The Petitioners asked for two streams; and the questions and considerations relating to them, depending upon different facts, he thought it well to consider them separately.

One of them was called the Vanhorn spring, lying north of the Railroad, and was one of the sources of the North-end brook, which ran through land of Pliny Chapin, Dr. Osgood, Morgan & Day, James and Daniel Chapin, Francis Burt, Josiah Hooker, Horatio Sargeant—to the Connecticut River. All the water they proposed to take, ran through a five-inch bore, filling it, *with no head*, about two-thirds full. The spring is on land of Charles Stearns, from whom the Petitioners derive their title, and constitutes, according to some of the testimony, about one-fifth or one-sixth part of the brook. From its source to its mouth, there are no manufactories upon it, or any machinery, except a water-ram, on the farm of Mr. Hooker. It does not overflow its banks, except in freshets, and has hitherto been used, wholly and exclusively for watering stock, and the Town Poor. Some of the persons through whose lands it passes, are petitioners for the Bill, and others oppose it. For what reason? Why do these few persons, Mr. Hooker, Dr. Osgood, Mr. Burt, the Overseers of the Poor, and Morgan & Day, object that the mass of the people shall not be allowed pure water for family uses?

Will the land-owners be cut off from water for their stock? Dr. Osgood says no! that the spring is a "*perennial*" one—one of the most constant streams in the limits of his acquaintance—that there are other springs which empty into the brook, below the Vanhorn Spring, and insure an abundant supply for all agricultural purposes. He stated also a fact, which is conclusive on this point, that the brook, at the Cabotville road, is from half a rod to a rod-in width, in some places; and, though very shallow, that it moves with a quick current. Other witnesses corroborate him on this point.

How else are they injured? Why, since this Petition has been got up, some wiseacre has given Mr. Burt to be informed that he has a good water privilege on this brook; but the honest old gentleman, Mr. Burt, could not state what the value affixed to it had been, without voluntarily and fairly qualifying his statement by saying that perhaps the Committee would think that there was something a little strange in the matter.

But, however this might be, there was to this stream, and to the owners of the land through which it passes, one answer, and it was this: Provide, in the Bill, that if, at any time, there shall be a deficiency of water in the stream for all the purposes for which the stream has been used from time immemorial, including Mr. Hooker's ram and the town poor, the Petitioners shall be bound to supply such deficiency from their aqueducts. And if Mr. Burt has any such water power, of any such value, that the Petitioners shall pay him, as they are bound to pay for all other privileges, the full value of the same. In this way, the right of all persons would be guarded; and the water, which now runs uselessly to the Ocean, would be made subservient to the health and the enjoyment of the people.

The other spring, he said, rested upon different considerations. There were existing mill-privileges upon it, established long anterior to any projects of this Company; and it was true, as had been stated, that a process in equity was now pending in the S. J. Court against Mr. Stearns for the diverting of the water. In that process against Mr. Stearns he was one of the Counsel, and should endeavor to do his utmost in the preparation and trial of the case. But, in his opinion, that case had nothing to do with the present application; and Mr. Bates here explained the point in issue upon the pleadings.

It had been adjudged, he said, by the Legislature of 1848, that certain sources of this brook might be taken by the Petitioners. They had undertaken to pass upon the lawfulness of the appropriation, and the exigency requiring it. If they were wrong, in the first point, we should soon hear of it from the proper tribunal. What this Committee has to deal with, is with the latter branch of the subject. They have only to say whether, according to the definition of his friend, the learned counsel of the Remonstrants, it was a greater benefit to the people that the spring should be used for the purposes of life, than of injury to the manufacturers, if it should be diverted from their water wheels!

CITIZENS' RESOLUTION.

At a public Meeting, held at the Town Hall in Springfield, April 9, 1849, after due notice had been given in the daily papers, and also by posting up a large number of hand bills, for the purpose of getting an expression of the views of the citizens of Springfield in regard to the petition of the Springfield Aqueduct Co., to the Legislature; it was

Resolved, That in view of the increasing population; the poorness of water obtained from wells; also, the constant need of more water to protect property from fire in the center of the town, it is the opinion of the meeting that increased facilities and powers ought to be granted by the Legislature to said Aqueduct Co., as prayed for by the Petition. And it is the wish of this meeting that the Representatives of the town in the Legislature should use all honorable means to procure the passage of a bill for the purposes, prayed for by said Company.

The above was submitted for the consideration of the meeting, which was fully attended, and passed by a vote almost unanimous.

P. F. WILCOX, Chairman.

WILLIAM W. BOYINGTON, Secretary.

VOTE OF SELECTMEN OF SPRINGFIELD.

The subscribers, Selectmen of the Town of Springfield, find the following passage in the Report presented to the Legislature by Hon. E. J. M. Hale, Chairman of the Committee on Manufactures, on the petition of the Springfield Aqueduct Company :

"The Chairman of the Board of Overseers of the Poor, appeared, in behalf of that Board, *and also in behalf of the Board of the Selectmen of Springfield*, and very strongly opposed the petition, on the ground that no exigency existed to require any additional powers to be granted to said Corporation."

As the above extract is, in our opinion, calculated to produce an erroneous impression in regard to our action with reference to the petition of the Aqueduct Company, we would state, that after hearing all the evidence brought before us as to the injury the Town would sustain if said petition was granted, we were of opinion that such injury, *if any*, would be confined to the Town Farm, and as the Overseers of the Poor had charge of the Farm, it seemed to us that it belonged to them, rather than to us, to take whatever steps might be proper in the premises. We therefore declined taking any action whatever on the subject, and referred the whole matter to the Overseers of the Poor, as appears by the following vote, copied from the Records, kept by the clerk of the Selectmen :

"At the regular monthly meeting of the Selectmen, held at their office Monday, February 5, 1849, all present

VOTED, That the subject concerning the Springfield Aqueduct Company's taking water that passes through the Town Farm, be referred to the Overseers of the Poor, they having control of said Farm."

SOLOMON HATCH,
P. F. WILCOX,
WAITSTILL HASTINGS,
WM. E. MONTAGUE,
E. W. BOND,

Attest, JOSEPH INGRAHAM, Clerk.

Springfield, April 23, 1849.

PETITION.

*To the Honorable Senate and House of Representatives
of the Legislature of Massachusetts.*

The undersigned, respectfully represent, that they are citizens of the town of Springfield, and have learned that the prayer of petition of the Springfield Aqueduct Company, now before the Legislature, for leave to bring into the village an additional supply of Water for the use and comfort of the people, is opposed on the ground that there exists no exigency for a further supply of water. We wish respectfully to express our conviction that a further supply of water is needed, and we pray that the powers asked for by said Company for said purpose, may be granted, with such restrictions and liabilities as are usual in similar cases, and as in duty bound will ever pray.

Springfield, Mass. Feb. 26, 1849.

NAMES.

Rufus Dane.
Nelson Sherburne.
Silas Sherburne,
Lowel Hatfield.
Jason Webb.
A. B. Burnham.
Peter R. Keogh.
Eliphaz Jones.
D. B. Bugbee.
Benjamin Fay.
Jarvis Glover.
A. Leland.
G. H. Roberts.
Francis Bates.
Calvin B. Stebbins.
Asa K. Bruce.
Elisha Hawks.

Samuel Hastings.
Charles H. Ray.
George W Thayer.
S. L. Dickerman.
Emery Edson.
C. W. Jones.
Albert Jones.
Jos. P. Darling.
Geo. Church.
Alexander W. Allen.
William Bradley.
David Warner.
B. B. Gaffey.
Patrick Mouly.
C. D. Hooker.
N. F. Plummer.
C: Crawford.

D. S. Russell.
 T. D. Crawford.
 Samuel H. Pratt.
 John S. Pratt.
 John B. Vincent.
 George A. Graves.
 N. L. Elmer.
 W. B. Gardner.
 Franklin Arthur.
 Harlow Tinkham.
 Wm. J. Wilson.
 Benj. F. Russell.
 Henry A. Perkins.
 Verney Woodward.
 Franklin D. Chaffee.
 Henry Wilder.
 Peter Dandaraw.
 W. E. Brown.
 Oliver Marsh.
 John C. Hubbard.
 A. W. Potter.
 Henry S. Durkea.
 Thos. K. Baker.
 Royal Harrington.
 H. Clark.
 J. W. Hawkes.
 Wm. Cooper.
 J. Topliff.
 Hervey Mills.
 Henry F. Cook.
 Elam Mills.
 Seth Ashley,
 Hawley Kellogg.
 John S. Derby.
 Thos. Coogan,
 Michael Kirwan,
 James Quigley,
 Patrick Dillon,
 Thos. Quigley,
 James M'Carthy,
 John Murphy,
 George H. Bicknell,
 Carter Moulton,
 John O'Hora,
 John Warner,
 Thos. Conlan,
 James Lige,
 John Healey,

Waitstill Hastings,
 George Hastings,
 Eleazer Ripley,
 Isaac Rindge, jr.
 George Zepp,
 James Roch,
 Jeremiah Cronin,
 Patrick Quinlion,
 William Downey,
 Edwin Whalin,
 Timothy Hayes,
 Timothy Collins,
 Luke Saunn,
 Patrick McIntire,
 Michael Ryan,
 Daniel Mahoney,
 James Ford,
 John Dean,
 William O'Bryan,
 John Mangam,
 William Walsh,
 Mikel Darider,
 Michael Horrigan,
 James Walsh,
 James Dane,
 James Neall,
 Michael Cooney,
 Dennis Dunn,
 Wm. G. Swayne,
 Thos. McCarthy,
 Edward Bow,
 David P. Currier,
 Martin Kelley,
 John Bible,
 Patrick Barry,
 John Sweeney,
 John Barry,
 Michael Morrison,
 Michael Kane,
 John Sullivan,
 Jerry McCarty,
 Dennis Sullivan,
 Wm. Rindge,
 Wm. V. Latham,
 Daniel Strong,
 A. Henry,
 W. Jennings,
 Jonathan Dunklee,

Wm. W. Boyington.
 Ely Carter.
 A. B. Daniels.
 Charles Gaffery.
 Josiah Hatter,
 James Branard.
 Thomas Bredy.
 Samuel Motts.
 Nicholas Senllare,
 Peter Driscoll.
 David O. Brien.
 James N. Carter.
 Arnly Clarke.
 Daniel Toney.
 Nicholas Moore,
 John Sullivan,
 John Mahoney.
 William Douley.
 Stephen Murphy.
 Patrick Maloner.
 Thomas Donohy,
 William Conroy.
 John Hall.
 Michael Fitzgerald.
 Michael Harrington.
 Daniel Harrington.
 Jerh. McCarty.
 Daniel M'Carty.
 Jeremiah McCarty.
 John Sullivan.
 Daniel McCarty.
 Michael Sullivan.
 Dennis Sallin.
 Patrick M'Carty.
 Dennis Sallvin.
 James Marran.
 James Warren.
 Telve Bagg.
 Wm. Craige.
 John Cronin.
 Patrick Murphy.
 Jeremiah Murphy.
 Mark Murphy.
 Jeremiah Lenihon.
 Timothy Kesting.
 John Murphy.
 Eugene M'Carty.
 William Keating.
 Thomas Carlan.

J. G. Chase.
 Richard Hagar.
 Mickel Finn.
 Thomas Hayes.
 Murty O. Bryne.
 Eugene Sullivan.
 Eugene Neory.
 Thomas Grady.
 Thomas O. Connell.
 Mikel O. Connel.
 Jerry M'Carter.
 Wm. O. Connell.
 Charles B. Frost.
 A. Ballon.
 Duncan McDeagall.
 J. D. Decreet.
 Marcus M. Chandler.
 Abel L. Mowry,
 Judson & DeWolf.
 E. A. Bliss.
 Levi C. Boyington.
 Samuel Clough.
 F. C. Boyington.
 F. D. Day.
 S. C. Root.
 Edward Johnson.
 Wm. A. Kendrick.
 S. W. Edwards.
 E. C. Bailey.
 I. C. Smith.
 Daniel P. Wilbur.
 Horace C. Putnam.
 William G. Morse.
 William Snow.
 C. S. Chase,
 Thomas Beacon,
 Amaziah Mayo,
 Hali Hitchcock,
 Samuel B. Spooner,
 Asih Bowers,
 John B. Ripley,
 George Keep,
 E. W. Thayer,
 Gilbert Pillsbury,
 Nathan Putnam,
 Timothy Bruce,
 Franklin Ross,
 Wm. M. Watts,
 James Larkin,

Aaron Howe.
 James E. Thorpe,
 Marvin Lincoln,
 Charles Lovell,
 Asa French,
 Frederick Richards,
 John Richards,
 Junius Hale,
 Asa B. Clark,
 S. J. Porter,
 James McCan,
 G. W. Burt,
 A. S. Coles,
 William Hubbard,
 C. C. Haywood,
 G. C. Segur,
 G. C. Wood,
 Jacob Miller,
 Tho. D. Bartholick;
 L. W. Park,
 Wm. Brock,
 Jonathan Steele,
 E. G. Bond,
 M. S. Thayer,
 George W. Rice,
 E. D. Bond,
 Levi Waldron,
 Moses Waldron,
 Horatio Cowles,
 Samuel F. Whitney,
 Lewis Paquerry,
 Charles A. Bugbey,
 Silas Cook,
 Thomas Donovan,
 H. N. Moore,
 M. Shay,
 Michael Redicon,
 Thomas Riley,
 Andrew Chellips,
 Lorin S. Cowles,
 L. W. Stebbins,
 H. A. Hayden,
 Luther Clark,
 Chas. C. Baldwin,
 Parvin Clapp,
 Richard Stapleton,
 Wm. Stapleton,
 Wm. Tilden,

A. H. Bowers,
 Geo. Humphrey,
 Patrick Kelley,
 Orrin Russell,
 James Parker,
 Amasa Parsons,
 J. A. Merrill.
 Isaac Gibbs,
 Wm. Richardson,
 Owen Brown,
 Edmund Stebbins,
 J. A. Schlesinger,
 Ebenezer Goldthwait,
 Wm. Mattoon,
 George Stebbins,
 Otis Grimes,
 W. M. Ross,
 Geo. W. Needham,
 John M. Whitney,
 Wm. H. Montague,
 James Callahan,
 John Ross,
 Josiah Lawrence,
 John Brannen,
 Thos. Maguire,
 E. R. Cowles,
 H. S. Fox,
 Wm. C. Humphrey,
 Wm. R. Wilbur,
 S. Gaylord,
 Ebnr. Russell,
 Horatio Sargent,
 James Tobey,
 Charles Rogers,
 Isaac V. J. Barber,
 O. J. Parker,
 J. N. Purple,
 Joseph Currier,
 Allen Pellis jr.
 C. Warner jr.
 H. Cole,
 Edward Pitsinger,
 T. W. Weaver,
 Otis Grout jr.
 Francis E. Pratt,
 Wm. Grout,
 Benj. B. Young,
 Elias Hubbard,

D. A. Bodurtha,
 S. Robinson,
 Titus Jones,
 E. K. Pratt,
 H. F. Graves,
 D. H. Morse,
 A. W. Wood,
 Timothy W. Goodwin,
 J. F. Annable,
 Reuben Palmer,
 L. Foster, jr.
 Rowland P. White,
 John B. Kirkham,
 John Beaumont,
 R. S. Ferry,
 Jesse Thompson,
 Edwin Goodspeed,
 Hosea B. Crow,
 Francis F. Roberts,
 Hervey Sikes,
 William Cran,
 Simeon Pease,
 E. D. Ellis,
 N. H. Marsh,
 Henry E. Collins,
 W. J. Conant,
 Thomas Watson,
 John B. Reed,
 Homer Eno,
 Sheldon Clark,
 Edward Lee,
 Eldridge D. Eggleston,
 John Costiman,
 James L. Hunn,
 Thos. T. Russell.
 E. W. Ladd,
 John Haven,
 A. Robinson,
 Abram Thomas,
 Hosea White,
 Henry A. Gouch,
 John W. Holmes,
 Joel Miller,
 H. A. Robinson,
 J. C. Colton,
 Lyman King,
 M. M. Tallmadge,
 S. W. Stebbins,
 Daniel Lester,

O. S. Brown,
 S. L. Hastings,
 Joseph Reikard,
 Asahel Gouch,
 J. M. Wood,
 S. W. Paine,
 Asa Fiske,
 William B. Crosby,
 Samuel S. Briggs,
 Barnabas Snow,
 John B. Stebbins,
 Frederick Wells,
 James Coffran,
 Chester B. Stickles,
 John Edwards,
 George Gardner.
 E. W. Bliss,
 Gurdon C. Judson,
 Elizur Bates,
 N. Harkness,
 David Pearl,
 Oliver W. Miller,
 Enos C. Boyington,
 C. D. Arlhus,
 William W. Standish,
 W. H. Hayward,
 M. J. Emerson,
 Porter King,
 Lyman Warren,
 Henry Seymour,
 Edwin Ellis,
 P. S. Van Houten,
 Joshua Crosby,
 Ira Hatch,
 R. G. W. English,
 Harvey Bliss,
 Asa M. Knight,
 Caleb H. B. Smith,
 James Le Barron,
 Charles B. Gould,
 Lewis B. Gould,
 Theo. Stebbins,
 Moses Bliss,
 Joel Lackey,
 Almond Pratt,
 Nelson Brooks,
 John Beers,
 Gordon Mills,
 Eli Weller,

R. H. Conklin,
 Peter Dearborn,
 W. Howe,
 Edward D. Bangs,
 Samuel Harthan,
 John T. Rockwood,
 P. H. Grover,
 Merrick Houghton,
 George W. Walbridge,
 E. P. Brown,
 Daniel Reynolds,
 Humphrey Tucker,
 James Stebbins,
 Jose M. Colton,
 Timothy Burt,
 H. McKinney,
 C. Layes,
 Millan Pease,
 Hosmer Ensworth,
 James P. Cleavland,
 L. B. Little,
 Joseph W. Park,
 Franklin Gilman,
 Edward Desoe,
 Henry H. Snow,
 Charles P. Gay,
 David King,
 William H. Hovey,
 George C. Russell,
 William C. Averill,
 Thomas W. Watson,
 Charles W. Hall,
 Charles E. Seth,
 Charles H. Cole,
 Charles W. Rice,
 Cyrus A. Worthy,
 William I. Stowell,
 Theodore Mayu,
 William W. Smith,
 John D. Gould,
 Nathan Upham,
 James H. Harris,
 Harvey Bliss, jr.
 Silas S. Carrol,
 F. H. Mosely,
 Henry Smith 2d,
 J. G. Badger,
 Thomas Putnam,
 William Hunt,

John Priestly,
 Charles Wheeler,
 L. M. Thorp,
 William Hitchcock.
 E. C. Hunt,
 Joseph Stebbins,
 Abel P. Howe,
 Charles A. Hastings,
 Edmund Rowland,
 George Ensworth,
 Festus Stebbins,
 Robert Madden,
 James Mahany,
 Dennis Margan,
 Daniel Buck,
 John Parkinson,
 William Keep,
 Francis Johnson,
 John Mulcarthy,
 James Morrison,
 John Riorn,
 John Sullivan,
 Roger O'Coomes,
 Francis Healey,
 Pat Maemahorn,
 John Murphy,
 Morris Bowler,
 W. W. Smith,
 E. Davis,
 William Dennison,
 Otis Phelps,
 E. C. Pettis,
 George Whitcomb,
 George Grant,
 H. A. Sears,
 G. B. Bowers,
 Wilbut and Welker,
 John Haley,
 E. R. Houghton,
 E. R. Hawkes,
 William A. Barry,
 Josephus Hawkes,
 F. E. Taylor,
 Stephen H. Carpenter,
 David Grener,
 W. Loyd,
 M. Stebbins,
 Otis Fay,
 Jonas Parmenter.

M. E. Dunbar,
 Henry Swallen,
 Michael Power,
 Chester White,
 Alvah Kinney,
 Francis Detherbe,
 Michael Finn,
 Wm. Halloway,
 Calvin Beckwith, jr.
 John M. Wood,
 Aaron Wilbur,
 Charles Wasson,
 Isaac P. Miner,
 Abraham P. Dale.
 Mitchel Jarvis,
 John Gilson,
 P. H. Averill,
 N. M. Kinnon,
 John Donalson,
 John Ready,
 John Jonson,
 Samuel Pitkin,
 Thomas Wall,
 Alexander Lang,
 John Spencer,
 Edmund Hull,
 James M. Ross,
 Charles H. Marston,
 Elias Woodruff,
 Thomas Rich,
 Simeon Olmstead,
 Stephen V. Blake,
 George Root,
 Samuel Rist,
 Hervey W. Mills,
 Samuel H. Harris,
 Roswell Parker,
 David Witherell,
 Wm. H. Emmons,
 David P. Gunn,
 Charles S. Tarbell,
 A. P. Casey,
 Jesse B. Alvord,
 Henry Sizer,
 J. W. Crane,
 G. P. King,
 E. King,
 John McGatrick.
 Richard Fisk,

John Hooker, jr.
 E. H. Patch,
 A. Pease,
 Moses Lyman,
 Alexis Courrier,
 Albert Hancock,
 G. E. Howard,
 P. H. Cook,
 Simon Sanborn,
 Lewis H. Taylor,
 George Bruce,
 Homer Hall,
 A. Cross,
 Marcus Packard,
 H. Hubbard,
 Luther Cutler,
 J. C. Foster,
 John S. Gould,
 S. F. Cooley,
 M. F. Foster,
 H. B. Scott,
 S. Webster.
 C. A. Maule,
 Samuel Bailey,
 J. J. Smith,
 C. W. Salisbury,
 W. H. Parsons,
 L. N. Crocker,
 Allen M. Galpin,
 E. T. Stowell,
 S. B. Houghton,
 H. A. Chapin,
 James Rice,
 Thomas Willard,
 Horace D. Mather,
 D. Webster,
 E. H. Field,
 A. G. Lord,
 John C. Stebbins,
 E. C. Stebbins,
 Samuel Harris,
 Stoddard Parker,
 George Dewey,
 L. C. Fieder,
 R. Crossett,
 A. H. Kirkham,
 E. C. Cook,
 Horace C. Lee,
 Charles Parker,

W. B. Hastings,
 Lewis Draper,
 Charles Osborne,
 A. G. Lincoln,
 A. P. Thornton,
 Stedman Barry,
 Luther Stearns,
 Abner Drake,
 Jeremiah Caldwell,
 Prince Chapman,
 Simeon Reed,
 Moses D. Bullens,
 John R. Clark,
 Cephas Cashwell,
 Patrick Sullivan,
 Joseph Malcut.
 Lawrence Dreskin,
 David Iwomy,
 Dennis Calnane,
 David Mealy,
 Michael McGrath,
 Thomas O'Connor,
 James Brosnaw,
 Michael Cooney,
 John Welch,
 John Ryan,
 Michael Hayes,
 Michael Leaby,
 Maurice Corkory,
 Jeremiah Loomis,
 Timothy McMary,
 David Walker,
 James Fogerty,
 Peter Platt, jr.
 John May,
 Michael Carey,
 Michael Kenigan,
 Andrew Foly,
 David Callihan,
 Dennis Sullivan,
 Jeremiah Sullivan,
 Eugene Murphy,
 James Hennesey,
 Patrick Howard,
 Dennis D. Bryan,
 Eugene Sullivan,
 Dennis Sullivan,
 Daniel Sullivan,
 John Cairey,
 Bolra Burlenn.

Michael Pomeroy,
 John Moorley,
 Martin Dailey,
 David Lynch,
 James O'Sullivan,
 Edward Sullivan,
 David Cronin,
 John G. Neil,
 Jerry Crawlax,
 Andrew Manning,
 Timothy McCarty,
 Sol. Warriner,
 B. F. Thayer,
 Caleb W. Briggs,
 Horace W. Fletcher,
 David Donovan,
 Asa Clark,
 Hollis Barber,
 Erastus J. Keyes,
 Enos Lee,
 William Young,
 Orrin W. Pratt.
 Simon Corcoran,
 John Brown,
 Eph. Harris,
 John Calhoun,
 F. F. Bartlett,
 Francis Oheill,
 D. B. Allen,
 John Cockley,
 W. W. Standish,
 Thomas Sheehan,
 Edward Barnes,
 John Byot,
 John V. Jones,
 Newell A. Spencer,
 Joseph Bennett.
 James Bradford,
 G. W. Weeks,
 Daniel O. Donnell,
 Daniel E. Cadwell.
 Wm. Sumner,
 Elim Mills,
 E. B. Francis,
 Nelson Tryon,
 S. O. Averill,
 A. DeWitt,
 D. Carmichael,
 S. B. Gannett,
 Samuel K. Buell.

A. W. Lincoln,
 Daniel Gay,
 Edwin Billings,
 Charles Ashley,
 A. S. McLean,
 H. D. Sanger,
 Gardner Adams,
 E. A. Daniels,
 E. Savage,
 James Kirkham,
 Earl Woodworth,
 Eli Wansor,
 G. R. Townsley,
 O. H. Cooley,
 O. J. Bartlett,
 Wm. D. Thayer,
 Wm. Rhoades,
 George A. Kibbee,
 J. R. Lunt,
 John Lunt,
 John L. Skinner,
 A Moody,
 A. A. Dalton,
 Joseph Blair, jr.
 Horace Ferre,
 T. M. Walker.
 Charles C. Taylor,
 C. C. Murray,
 C. W. Hayward,
 John Abbee,
 P. Lowe,

D. H. Brigham,
 W. H. Fuller,
 A. G. Adams,
 W. H. McKinney,
 Erastus Danforth,
 A. Truesdell,
 James T. Shepherd,
 J. B. Rice,
 W. C. Sturtevant,
 F. A. Lydston,
 James W. Hale,
 R. N. Hayden,
 E. C. Hawes,
 Jason Hubbard,
 Lebbeus C. Smith,
 James Cary,
 H. A. Angell,
 Phineas Pease,
 Albert Stewart,
 Patrick Nicholson,
 M. McGatrick,
 Ready Champion,
 M. M. Barret.
 John Clifford,
 George W. Merrill,
 H. F. Winslow,
 Thomas L. Parsons,
 Lewis Wiley,
 Rufus Elmer,
 H. D. Shaw.

PETITION.

*To the Honorable Senate and House of Representatives
of the Legislature of Massachusetts.*

The undersigned, residents and housekeepers of the town of Springfield, respectfully represent that they learn that remonstrances have been presented to the Legislature against the petition of the Springfield Aqueduct Company, for power to introduce an additional supply of water for the use of the people, on the ground that no further supply is needed; we wish respectfully to say that we know from experience and information which we cannot doubt, that a further supply is needed, and we wish that no unnecessary obstacles may be thrown in the way of the Aqueduct Company, in the object they wish to accomplish. And as in duty bound will ever pray.

Springfield, March 5, 1849.

NAMES.

Mrs. Thomas Bond,
Caroline G. Bartlett,
Persis Goodman,
Elizabeth N. Harkness,
Pamelia C. Smith,
Maria C. Stevens,
Sarah E. Stevens,
Sophia T. Stevens,
Elizabeth Chapin,
Lovisa S. Chapin,
Lucy A. Chapin,
Miss Irene Gouch,
Lucinda Gouch,
Susan Gassett,
Clarissa Lee,
A. Maria Lee,

Mrs. C. Marsh,
Diana E. Hastings,
Mary P. Mosely,
Dorcas Bartlett,
Nancy M. Wadleigh,
Mary A. Barton,
S. Haven,
J. P. Kenna,
Amelia Ensworth,
Elsy King,
M. N. Van Houssen,
Sarah B. Fiske,
Eastman,
Clark,
L. Rhoades,
Lucy J. B. Kenney,

Mrs L. Smith,
 G. Adams,
 Eliza Devines,
 L. Hixon,
 L. Kinsley,
 Mary F. Foster,
 M. P. W. English,
 Martha T. P. Grover,
 C. Ward,
 Samuel Daniels,
 F. J. Parker,
 H. Bliss,
 J. Hunn,
 T. A. Williams,
 Geo. Sizer,
 Jarvis Glover,
 Simonds,
 Miss F Glover,
 Mrs A B Parsons,
 E. Hubbard,
 Miss J Hitchcock,
 Mrs L Hitchcock,
 A B. Howe,
 J Lewis,
 S J. Hitchcock,
 Eliza Ann Smith,
 Eliza Clark,
 A B. Wells,
 Miss L Haywood,
 Mrs A Hawley,
 S Stock,
 E A Chapin,
 W Simonds,
 A Stone,
 C Stebbins,
 R Palmer,
 Harriet Hotchkiss,
 Miss De Wolfe,
 Mrs H N Morse,
 Z Spooner,
 H W Clark,
 Cornelia M Spencer,
 Mary C Stoddard,
 P Crawford,
 M E Wheeler,
 R Sylvester,
 M McGill,
 Mary A Ross,
 Maria Olney,
 Maria Tuck,

Mrs A J Rudge,
 N H Sturtevant,
 F D Bacon,
 D Doan,
 H A Mayo,
 J Headly,
 Hitchcock,
 C Wasson,
 S Rowland,
 E P Rowland,
 Miss M Sturtevant,
 Mrs E P Brown,
 L Huntooll,
 L Bodfish,
 Abigail McKinney,
 Mary Cleveland,
 Lucretia P Colton,
 Harriet Sanderson,
 Sarah Bliss Sanderson,
 E C Hawes,
 E A Hawes,
 Sarah Goodman,
 Mary Goodman,
 Hannah Goodman,
 Lois Gardner,
 Eunice Gardner,
 Eloisa Jones,
 Lucinda Payne,
 Sarah E Wood,
 Amelia F Bangs,
 Martha B Tracy,
 Julia Hastings,
 Lavinia Harthan,
 Ann B Edwards,
 Catherine Cargain,
 Emily Richards,
 Naomi C Grant,
 Laura Bliss,
 Mrs Col Russell,
 W B Brockett,
 R Sikes,
 James M Smith,
 G Crosby,
 Bigelow,
 J W Crane,
 A Howe,
 Miss J J Rockwood,
 Sarah B Sanderson,
 Julia E Clark,
 R W Houghton,

Mrs. R. C. Chapman,
 H. Palmer,
 Mary Chapin,
 J. Perkins,
 R. Decreet,
 Boyington,
 S. Miller,
 Gambell,
 T. B. Adams,
 A. B. Cooley,
 Spencer,
 L. Grant,
 D. Gay,
 Margaret T. Begor,
 Sarah Gould,
 Esther Laughton,
 M. La Barron,
 Gould,
 Snow
 C. W. Conklin,
 Elizabeth H. Fitch,
 Miss Lucy Rice,
 C. K. Sherburne,
 Julia Beardsley,
 E. A. Mann,
 Mrs. A. B. Clark,
 A. T. Ridge,
 M. A. Walker,
 D. S. Cole,
 W. Edwards,
 A. A. Bowe,
 Esther Ferre,
 M. A. Hawes,
 M. S. Bugbee,
 H. T. Baker,
 C. N. Hawes,
 M. Kinnon,
 S. E. Foster,
 Lucinda Packard,
 B. Annable,
 E. G. Trafton,
 A. Gleason,
 L. Merrick,
 Mary Haven,
 Lovisa Philips,
 Rachel Bates,
 A. Day,
 E. Pease,

Mrs. Fanny Stebbins,
 Maria Stebbins,
 Mary E. Schlesinger,
 Martha Stebbins,
 Pardee,
 Almira P. Goldthwait,
 Mary B. Clapp,
 Maria Bowers,
 Sarah C. Bowers,
 Roxanah Bowers,
 M. B. Thornton.
 C. M. Clark,
 E. R. Cowles,
 A. S. Cowles,
 S. H. Cowles,
 E. L. Grant,
 Nancy Poole,
 Sarah Manchester,
 S. King,
 L. Pratt,
 D. C. Bruce,
 L. C. Russell,
 Everlina Barber,
 L. A. Williams,
 C. P. Sawyer,
 Loisa W. Cooley,
 Fanny E. Hawes,
 Miss G. Badger,
 Prentiss,
 More,
 Mrs. R. Brown,
 H. Allen,
 E. P. Cloyes,
 E. Chaffee,
 S. Smith,
 N. Carpenter,
 M. A. Carpenter,
 Miss M. E. Carpenter,
 Mrs. M. A. Gouch,
 P. Cooley,
 S. Sanderson,
 L. Cully,
 S. Frisbie,
 F. F. Needham,
 Lucinda Sinclair,
 E. Montague,
 Miss A. Adams,
 Mrs. A. Howe.

Mrs T Bates,
 Elizabeth Bates,
 Sarah Baker,
 E Wansor,
 James M Loomis,
 L N Crocker,
 E. Howe,
 J Hamilton,
 H Bliss,
 M Benjamin,
 Miss Dilla Moulton,
 R Butterfield,
 Mrs D Culahan,
 E Jackson,
 Sophia G Frissell,
 M Thomas,
 A Scott,
 F A Hubbard,
 Sarah M Grigow,
 Caroline Adams,

Mrs. Asenath Lincoln,
 Dismiss S Bruce,
 Charlotte A Allen,
 Ann S Day,
 Sarah E, Cross,
 Caroline B Smith,
 Electa B Marsh,
 Sarah A Miller,
 Lydia S Marsh,
 Louisa Merrill,
 Sally Bruce,
 Mary A Brown,
 Louisa C Richardson,
 Prudence B Gibbs,
 J Parker,
 Amasa Parsons,
 J L Briggs,
 L Hastings,
 Miss C Stebbins,

REMONSTRANCE

OF PLINY CHAPIN AND OTHERS.

To the Honorable, the Senate and House of Representatives, in General Court assembled :

The undersigned, Citizens of Springfield and Chicopee, in the County of Hampden, interested in Real Estate within said town, respectively remonstrate against the petition of Charles Stearns and others, incorporated as the Springfield Aqueduct Company, praying for the right to use the water from certain springs and brooks therein designated, and to convey the same across the lands of individual proprietors ; and as in duty bound, will always pray.

Springfield, March 1849.

NAMES.

Pliny Chapin,
Austin Chapin, 2d.
Sumner Vanhorn,
Josephus Chapin,
James Chapin,
Jesse Dillihier,
Levi Chapin,
Ruel Vanhorn,
Julius Chapin,
Edmund Vanhorn,
R. E. Bemis,
E. P. Kimball,
Alonzo Wait,
Robert E. Moore,
E. F. Brown.

Calvin Shaw,
Sumner Chapin,
Madison Kendall,
Obed Wait,
John A. Dennison,
Isaac Bullens,
W. E. Wintworth,
Lucius E. Ladd,
Jerome Wells,
Eli Burt,
N. M. Cutler,
Seth Whitney,
S. Churchill,
Jos. L. Moffatt,

MR. HALE'S REPORT.

Commonwealth of Massachusetts.

IN SENATE, April 19, 1849.

The Joint Standing Committee on Manufactures, to whom was committed the Petition of the Springfield Aqueduct Company, praying for an amendment of their charter, to allow them to use other springs in addition to those included in their "Act,"

REPORT:

That this petition asks for an amendment of their act of incorporation, of last year, so as to authorize that corporation to take and use such other springs, in addition to those granted them, by their said act, as they may purchase.

The committee have given much time to the hearing, and due consideration to the subject matter of the petition; upon the investigation of the facts, they find that this subject was very fully investigated by the committee who had this matter under consideration last year, who not only gave a very protracted hearing to the parties, both petitioners and remonstrants, but, in addition, visited the "premises," and, after a careful survey of all the interests to be affected by the granting of the powers then prayed for, that committee reported a bill, which was so framed, as to empower said corporation to take, and use such springs as their act specifies, and to exclude all other springs, and particularly the springs on North, or End Brook, so called, one of which is now sought for, by said corporation.

The committee are therefore impressed with the conviction, that they should not disturb the deliberate action of the committee, and

Legislature of last year, unless the petitioners presented a very decided and unequivocal case of exigency, and which could not have been foreseen last year.

- The said company, by its president, and counsel, introduced several evidences, for the purpose of showing to the committee that additional powers were necessary to supply the town of Springfield with water. They proved, that, since their "Act" was obtained, there had been considerable accession to their "water-takers," and, at the time of hearing, numerous applications were before the company, to take their water, which the foreman, in the employment of the company, stated would be accommodated
1. as early in the spring as the ground would admit the laying of pipes. The same witness stated, as also did the president of the company, that, in case more springs were granted them, they could supply a demand for the use of their water, which, at present, they were unable to do, though no evidence was furnished to prove that any applicant had been refused on account of any deficiency in their present water accommodations. The petitioners did, however, prove that, in some instances, during the extreme cold weather of the winter, there was some complain as to there not being a full supply of water at all times, but it was admitted that all springs were unusually low at the time, and that the want of supply might reasonably be attributed to an excessively cold winter.
 2. efficiency in their present water accommodations. The petitioners did, however, prove that, in some instances, during the extreme cold weather of the winter, there was some complain as to there not being a full supply of water at all times, but it was admitted that all springs were unusually low at the time, and that the want of supply might reasonably be attributed to an excessively cold winter.

- Numerous evidences were produced, and proved that a portion of the town of Springfield was dependent on aqueduct water, and
3. that it was *almost* indispensable for domestic purposes.

- Several petitions, numerous signed, were presented in aid of the petition of said company, praying for the objects to be granted,
4. as set forth in the petition of said Springfield Aqueduct Company, which were, in the opinion of the committee, considered as similar evidence in favor of the principal points, to the oral testimony afforded, to make out the case; they were confessedly written and circulated by individuals in the employment of the said company, and interested in its success.

Additional grants to the said corporation were strenuously opposed by several individuals from Springfield, and also several remonstrances, numerous signed, were read to the committee, resisting the prayer of said company. The remonstrants opposed the petition, in general, on the ground that, last year, the whole subject was deliberately acted upon and settled — and that the bill obtained by said corporation was understood to be a compromise — and that the Legislature of last year granted to said company all the powers and privileges to control all the springs that were deemed prudent and necessary for the interests of all concerned.

- The counsel for the remonstrants introduced evidences from
5. Springfield, *many* of whom were "water-takers" of the said company, who testified that there was no existing exigency for addi-

tional facilities for obtaining water; and the substance of their testimony went to show that, at present, the inhabitants of that town were as well supplied with water accommodations, now afforded them, as are most other towns.

6. The chairman of the board of overseers of the poor appeared in behalf of that board, and also in behalf of the board of the selectmen of Springfield, and very strongly opposed the petition, on the ground that no exigency existed to require any additional powers to be granted to said corporation. He also opposed, specifically, the diversion of any springs constituting the stream called North or End Brook, as very seriously tending to injure the town farm,—the same being of great value, and through the center of which the said stream passes,—that no part of which can be diverted unless causing a very serious injury to “the farm;” the same witness also opposed the diversion of any additional springs in the town from their natural courses by the said company.

Individuals owning property on streams the springs were sought

7. for by the said company, appeared and opposed the petition.

The remonstrants also insisted that, in the event that a greater supply of water should hereafter be found necessary, that a supply

8. could be obtained from less objectionable sources and modes.

The petition was also opposed for the reason that the Springfield Aqueduct Company was composed of a very limited number of stockholders; that nearly the whole of the stock of the corporation was owned by one individual; hence they urged the in-

9. expediency of the Legislature conferring upon the said corporation the power of controlling exclusively any additional springs than were now included in their charter, as being peculiarly dangerous to the interests of the inhabitants of the town in the enjoyment of natural rights.

A very decided opposition was made to the said company's taking and using any springs which constitute the stream called

10. “Garden Brook,” which stream passes through the center of the populous portion of the town, and on which a number of small mill privileges are improved, and would be seriously injured by any portion of its water being diverted.

The president of the Western Railroad Company was also introduced, and stated that the said company were now using, by estimate, some fifteen thousand gallons of water per day, from the Springfield Aqueduct Company, under a contract made with said company, which the railroad company were willing to abandon in case the said aqueduct company were willing, as the railroad were now provided with ample means to supply themselves, independent of the Springfield Aqueduct water.

The committee would not regard it just to compel the said aqueduct company to abandon a profitable contract, that they have

- made under the sanction of their charter with the railroad company, in order to meet an existing exigency; but they do readily perceive, that, in the event a future demand for additional supply should arise, that contingency will be provided for, by the expiration of the said contract in about four years, which will afford sufficient supply to meet the wants of a very large increased population.

- The committee, therefore, in the review and consideration of the matter submitted to them, are of the opinion, that petitioners
13. for privileges hereby prayed for, should be obliged to make out a clear and indisputable case of exigency, and that public interests are to be served by such grants, which cannot be provided in less objectionable modes. The control of water, and the power asked for by the petitioners to conduct the same over the lands of others without their consent, given to any individual or individuals, subjecting a large town to their power, aided by corporate powers, to invade both private and public rights and property, and authority to divert running streams from natural channels, for purposes of profit and gain, is a highly dangerous power.
- "Therefore, inasmuch as the Springfield Aqueduct Company have failed to make out an exigency, such as to require of this Legislature any additional powers being extended to them under their charter, the committee report that the petitioners have leave to withdraw their petition."

14. **E. J. M. HALE, Chairman,**
and signs for a majority of the committee.

Three gentlemen of the committee, though they agree to all the facts as stated in the report, dissent from the conclusion, for the reason that they think more water is needed by the inhabitants of Springfield.

REMARKS

ON THE REPORT OF HON. E. J. M. HALE, CHAIRMAN OF THE COMMITTEE ON MANUFACTURES, ON THE PETITION OF THE SPRINGFIELD AQUEDUCT COMPANY.

1. The foreman, Mr. John D. Gould, stated to the Committee, that he told people who applied for more water, that he gave them all the water we had, and could give them no more unless we had more springs.
2. Mr. Stearns stated that although no applicant had been refused, they were all told that they could have no assurance of a regular supply, unless more water was obtained. It was also in evidence that there was a deficiency of water in other seasons besides winter.
3. If the word 'almost' had been left out, it would conform more nearly to the evidence.
4. It is a matter of *opinion*, whether one thousand petitioners give a stronger expression than one hundred. The Report says nothing more about the testimony of the Petitioners; and the *mass* of proof of the strongest character, which was adduced, shewing that a great exigency for water existed, is wholly unnoticed. I would refer any one who desires to get the true spirit of the testimony, to the foregoing 'statement of facts,' which is a fair compendium of the testimony.
5. Not 'many,' but two or three who were water-takers, and *they* said the water was a great convenience, and they could not well do without it. There was a *mass* of testimony on the part of the petitioners, to show the exigency. I see nothing in the testimony to warrant the statement here made, that the inhabitants were as well supplied with water, as are most other towns.
6. The Chairman of the board of Overseers of the poor, had *no authority* to speak for the Selectmen, as may be seen by their certificate on page 19. The whole body of the Selectmen are favorable to the petition, and one of the board was chairman of the citizens' meeting, at which the expression in favor of granting the petition was overwhelming. In regard to the injury to the Town Farm, the bulk of the evidence went to prove, that the farm itself would be *benefitted*, rather than injured, by taking away a part of the water. As to the supply of the poor house, the Chairman of the Overseers testified, that water from the pipes of the Aqueduct Company, 'would be a better supply than they had at present.'

7. A part of them did, and a part of them are petitioners in favor of the petition of the Aqueduct Company.
8. No other practicable mode was pointed out.
9. There was no testimony before the Committee, as to the number of Stockholders. Mr. Stearns, the only person before the Committee, who had any means of knowing, stated that *no one* person owned a majority of the stock. There are in point of fact twenty-six stockholders. I cannot see why such a statement was made in the Report.
10. This is expressed quite too strong to be sustained by the evidence before the Committee. The owner of the principal manufacturing establishment, and the only one of consequence, is not a remonstrant, and it is notorious, and appeared strongly in the evidence that no damage is done to these water powers by taking water through the Aqueduct pipes, as the dam and reservoir constructed by Mr. Stearns much more than compensated therefor.
11. It does not appear from the minutes of the evidence, that the President of the Western Rail Road, stated that the W. R. R. was *now* provided with the means to supply themselves with water: on the contrary, he said he should want six months notice of an intention to cut off the Aqueduct water. I am assured by the President since, that the printed 'Statement' gives a fair view of his testimony.
12. Then why admit as testimony, the offer of the President to give up the supply from the Aqueduct at all?
13. I am quite willing that the public should decide for itself, whether on the evidence, there has, or has not been made out such a case of exigency, as gives a fair claim to have a bill passed in conformity with the petition.
14. As to the fact of being a majority report, with only six members who have heard the case, and *three* having signed a counter report, I leave it for others to make out.
15. The importance of the water to the Town of Springfield, in its use in extinguishing fires, and preventing the spread of fire, is *wholly kept out of view*, although there was abundant testimony to that effect.

REPORT

OF A MAJORITY OF THE COMMITTEE. OF THE LEGISLATURE.

The undersigned, members of the Committee upon Manufactures, to which was referred the Petition of the Springfield Aqueduct Company, for an increase of its powers, beg leave to submit the following

REPORT:

At the hearing of the petition, the claim of the petitioners was limited to two springs, or brooks; one of them was upon the land of Charles Stearns, and is known as the Vanhorn spring. The water of this spring, which is proposed to be taken, runs through a five inch bore, (with no head,) and fills the bore about two-thirds part full. It constitutes about two-fifth parts of the brook, near its sources, or before it passes the Armory road, and about one fifth part of the brook at the Chicopee road, in the vicinity of the aqueduct logs of the company.

From the source of the brook to its mouth, the water has been used exclusively for cattle, except, occasionally, it has been taken for washing, for the uses of the town poor, and, by means of a small water-race, to supply the barn of Mr. Hooker.

It was abundantly proved, by the testimony of the remonstrants, that the stream was a constant and a perennial one, adequate, in all seasons of the year, for the uses and purposes for which it has ever been used, even if the proposed spring should be taken.

To guard against any want which may hereafter arise, the petitioners propose to have inserted in their bill, a provision that if, at any time, the supply from the brook should fail, they shall be held to supply the deficiency from their aqueduct pipes.

The Committee are not aware of any damage which can result to any person, under this limitation, save to the owners of lands, through which the logs pass, except such damage as may arise to Mr. Francis Burt, in case he should ever wish to use the water for some small manufacturing purposes.

The other spring rises upon the land of John Mills, and runs through the land of Charles Stearns, only, before it reaches the aqueduct pipes

of the petitioners; they have conditional contracts with these persons, by which they are authorized to take the water, with their consent.

This spring is one of the sources of supply of the Garden brook; and the water of the same is used for some small manufacturing purposes. Its diversion would occasion injury to the owners of these water powers, unless, as is alleged, the loss by the diversion, is made good by the supply afforded by the dams of the petitioners, of which there was evidence before the Committee; but as to the weight of which we express no opinion, inasmuch, if damages are to be sustained, the persons injured have the same means of redress, as are afforded to all the citizens of the State, in case of the exercise of its right of eminent domain.

The attention of the Committee was called to the subject of a public exigency, requiring the exercise of this right for the public benefit of the people.

It appeared that the petitioners were incorporated, by the act of eighteen hundred and forty-eight, with the powers and privileges, and subject to the duties and liabilities, granted to such corporations.—Prior to the passing of the act, the aqueduct had been established by Charles Stearns, and he was then under contract to supply the works of the Western Railroad, and large numbers of the people of Springfield, with water.

The petitioners proceeded, under the act, in increasing their means of supply, and the demand seems to increase, and even faster than those means. There are now calls upon the company, by many individuals, for a supply of water, who have no other comfortable means of supply than that of the company; and yet the company has not the means of supplying them. That part of the town of Springfield where the want of water is most seriously felt, is fast increasing in population. One hundred and fifty-four buildings, with tenements for three hundred and fifteen families, have been erected, within one year past, upon a single square mile territory, and the prospect is of a still larger increase the present year. The evidence was uncontradicted, that, upon that portion of the town upon the flats northerly of the railroad, and in divers other parts of the town south of it, wells are of no use as means of supply, the water being too brackish and impure for use. Several attempts have been made, by the citizens, to insure a supply by means of wells, but they had been abandoned, and the wells filled up.

It was also proved by the remonstrants, that a project was contemplated for supplying the citizens with water from Mill River, and that a petition was before the Legislature for an act of incorporation for that purpose. Aside from the facts, that the Mill River water was admittedly of a poorer quality than the spring water of the petitioners, that would be a matter of doubtful expediency to divert the water from that stream, where it is used nine times successfully for manufacturing purposes. It seemed to the undersigned, that such a proposal of the owners of that water power, if made, as was proved, in good faith,

was the strongest evidence of the opinions of such owners of a public exigency ; and, taken with other evidence produced, was satisfactory proof of the fact.

It was objected by the remonstrants, that the Western Railroad Company, who, by virtue of a contract with Mr Stearns, made before the act of incorporation of the petitioners, are now using their water, are willing to abandon the contract, and supply themselves from other sources, thus leaving such supply to be distributed among the people. If the petitioners only were to use the water prayed for, the objection would be a valid one.

But the water is to be used by the people, for the purposes of life, and the question to be settled by the committee, is one between the people, for such purposes, and the owners of the land, and the water-powers upon one of the streams. It may be very *kind* in the petitioners, to give up an advantageous contract with the railroad, and distribute the water among the people, but, inasmuch as that contract was in force, at the time of the passage of the act, and its use, under the contract, was then contemplated, we do not feel called upon to say that they shall relinquish a fair contract, or that we ought to deprive a thousand citizens of the greatest source of health and pleasure, because the petitioners will not relinquish it.

The undersigned, therefore, respectfully ask leave to submit the following Bill, as a part of their report.

GEORGE BROWNELL,
HIRAM HULL,
ELI W. HOLBROOK.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Forty-Nine.

AN ACT

In addition to "An Act to incorporate the Springfield Aqueduct Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows :

SECT. 1. The Springfield Aqueduct Company may take, hold, and convey, by the nearest and most convenient routes, into the main pipes of the aqueduct, the water from a spring, or stream of water, called the Van Horn Spring, situated on land of Charles Stearns, in Springfield, and also the water from a spring, situated on land of John Mills, in Springfield : *provided*, the said company shall obtain the consent in writing, of said Stearns and Mills, and they may use the water, so taken, for the purposes mentioned in the act to which this is in addition, and with the same powers and privileges, and subject to the same duties and liabilities, provided for in said act.

SECT. 2. If, at any time hereafter, there shall be a deficiency of water for those agricultural or culinary purposes, for which either of said streams have been heretofore used, the said company shall be bound to supply the deficiency to the owners of the land through which said streams pass, from their aqueduct.

TO THE STOCKHOLDERS
IN THE
SPRINGFIELD AQUEDUCT COMPANY,
AND TO THE
CITIZENS OF THE VILLAGE OF SPRINGFIELD.

Having been intrusted with the agency of using all proper means to procure the passage of an addition to the act of last year incorporating the "Springfield Aqueduct Company," and the failure of the efforts of myself, aided by several highly respectable citizens of the Village, having been the result, I deem it proper to lay before you the facts which have come out in the investigation of the case, and to allude to the causes which have operated to defeat the object.

It is well known in this community, that the aqueduct was originally an enterprise of my own, having been commenced near six years since, and from a comparatively small beginning it had up to April 1848, (about the time the act of incorporation was granted,) become a very considerable concern; supplying about 700 families and stores, stables, hotels, school-houses, churches, &c., besides furnishing an inexhaustible resource in case of fire: the main pipes extending over a very considerable part of the village, and the cost had amounted to about \$25,000. This Aqueduct was admitted on all hands (*a very few individuals excepted*) to have supplied an absolute necessity to large portions of the village, where no other water fit for use was attainable, and in every part, it proved to be one of the *most valued comforts of life*.

The magnitude of the work and its cost having gone beyond my means, and having expended a great deal of borrowed capital upon it, and believing that the ownership, if distributed among a considerable number of the citizens of the village, would create a more general interest in it, and contribute to its usefulness, I applied at the session of the Legislature of 1848 for an act of incorporation, and I was joined in the petition by more than sixty citizens of the village.

The Petition asked for no unusual privileges or powers, but such as its language shows, "as was necessary to accomplish the object proposed, and as have been heretofore granted in similar cases."

The Petition was resisted most strenuously, and as appeared from the facts as they came out, *unscrupulously*, so far as the means were used to defeat it.

An act of incorporation was however granted by the Legislature, but at the necessary expenditure of a considerable amount of time and money to myself individually.

I offered the subscription paper for the stock, and personally solicited individuals who had money to invest, to take an interest in the Aqueduct, and to induce them to do so, I exhibited a statement from the books, of the amount of income, and an estimate of the increase that might be expected for some time to come. I did not succeed in inducing many of the *wealthy* to become interested, although some of them were at the same moment subscribing to concerns of doubtful utility or success. Fifteen persons subscribed from two to six shares each, and the company was organized and went into operation on the first of July last.

Since that time ten or a dozen stockholders have been added, and the number of stockholders at the present time is between twenty-five and thirty.

The opposition to the act of incorporation having succeeded in restricting us in the act to the use of a certain number of springs named—though with no stipulation or compromise that no more water was to be had in all time to come, if the demand of the people for it required more—the concern has been going on successfully dispensing its blessings to the utmost of its capacity, and at rates *far below* those of any similar work in the United States of which I have any knowledge.

The vast and unexpected increase in the demand for water since the organization of the Company, consequent upon the great increase of population, and the calls of new takers from among the former residents, has exhausted the supply embraced in the act of incorporation much sooner than was anticipated. This is the plain reason for the application at the present Legislature, for an extension of the charter: which is simply to be permitted to use such springs as the Company might "*purchase*," to be used for the same purposes as is usual for aqueduct water to be used. It will be seen that no new or unusual powers or privileges were asked for, but simply what have been granted by former Legislatures for more than fifty years past, and so far as I can learn, without a refusal or an objection. The application then being an usual and a proper one, it might reasonably have been expected that a bill would have been reported and an act in accordance with the petition perfected without opposition. I did flatter myself, that the malice which manifested itself against me personally at the former application would have been expended, and that the virulent feelings which were then the sole cause of the opposition, would not have shown themselves on this occasion, when a considerable number of highly respectable citizens were interested with me, in the ownership of the aqueduct. But in this I was unhappily mistaken.

Desiring to make the company as little expense as possible, and to give the least labor possible to the Committee, I appeared before the Committee on the 20th day of February last, with my foreman Mr. John D. Gould, Heman Smith Esq. civil engineer, who has made most of the surveys and plans of the Aqueduct, Mr. Joseph Stebbins, a native citizen of the village, whose knowledge of localities, and the necessity for the water, was abundant; and I also had with me Mr. Lewis Foster Jr., who has been several years a water taker, owning property on the east side of Main Street, and who would testify as to the exigency for more water, and he also performed the service of *reporter*. I had not anticipated any serious opposition, although I was aware that a single individual not hitherto distinguished for his zeal and activity in public enterprises, either as their advocate or opponent, had bestirred himself with *unwonted energy* in drawing up and circulating remonstrances, and in endeavoring to inflame the minds of the community, by the misrepresentations he put forth and circulated, and by the mistatements which he made to deceive persons into the belief, that they were in duty bound to join him in his crusade against the petition of the Aqueduct Company.

Among other expedients devised by this individual to embarrass and throw difficulties in the way of the petition, he succeeded in persuading the Board of Overseers of the Poor of the Town, that it was their duty to oppose the petition. The ground of the opposition from this quarter was the pretended injury which would result to the Town Farm, if any portion of the water from North End brook was taken. A small portion of which was *forced* through the Farm, by a dam built for the purpose, at the northern extremity of the farm, and by which a portion of the water of the Poor House is supplied by means of a pump connected with the ditch of the brook. It is remarkable however that this same individual who owns land adjoining the Town Farm, (and through which the *whole* of the brook would *naturally* run, and through which it *did* all run until forced in through the Town Farm by the dam above mentioned) denies the *right* of the Town to any portion of the stream so turned, and has given repeated notice to the Town authorities that he only *permits* the Poor House to use the water on *sufferance*!

The Selectmen having been applied to by this individual to appear as Remonstrants, they went in a body, accompanied by the Chairman of the Overseers, and myself acting for the Aqueduct Company, and carefully and deliberately examined the premises, and they had no hesitation in expressing their opinion, that the interests of the Town were in no danger from suffering by any measures the Aqueduct Co. designed to take.

The Chairman of the Selectmen—himself a practical farmer—after a repeated examination of the farm, gave it as his opinion that *the farm* would be rather benefitted than injured by taking away a part of the water, and as to the supply of the Poor House, the Chairman of the Overseers—himself an ardent remonstrant—stated before the Legis-

lative Committee, that water from the Aqueduct pipes which were in the immediate vicinity, "would be a better supply than they now had," and that the Aqueduct Co. had offered to furnish water for the whole establishment, consisting of from 40 to 50 persons, at a compensation of eighteen dollars per year. If the interests of the Town under these circumstances, have been endangered, by what the Aqueduct Company proposed to do, I am unable to see in what particular.

At the commencement of the hearing before the Committee with my four witnesses and no counsel, I was met with an *array* of opponents, consisting in part of the following persons: Ansel Phelps, Attorney of the Western Railroad, Josiah Hooker, the individual who drew *all* the Remonstrances as well as the Mill River petition, and who used more exertions than all others in circulating them, and George Bliss, a member of the Executive Council, making three lawyers, and Mr. Vose, another lawyer, also appeared during the hearing in the Committee room, but I am not sure that he took any active part. There then were two Directors in the Western Railroad present, and the President of the Road was lugged in as a witness, the evident intention being to demolish us by means of him. In addition these were two Overseers of the Poor to look to the interests of the Town, and if the whole Town property had been at stake, they would not have shown more zeal. Then there were two or three individuals who, though living out of the range of the Aqueduct, and being men of wealth were able to supply themselves with water at any cost, came to express their apprehensions that their interests were likely to suffer in some way. Among these was the member of the Executive Council for the Hampden District, who took a prominent and active part in the opposition throughout.

Seeing what odds in numbers, influence and wealth I had to contend against, and observing unmistakable signs of an uncompromising determination to defeat the application at *all hazards*, and by *any means*, after a partial hearing I asked for an adjournment, and a time about three weeks ahead was fixed upon.

At the adjourned hearing, I appeared with other witnesses and an able counsel. Petitions in aid of the Company were presented to the Legislature signed by more than 1000 persons, and before the hearing was through, which lasted three days, as strong a case of exigency was established as I have ever known on any subject in any Legislature. It is unnecessary to recapitulate the statements of witnesses before the Committee, as a fair compendium of the evidence accompanies this statement.

Mr. Phelps, counsel for the Remonstrants as well as for the Western Rail Road, resisted to the utmost of his ability the claims of the Petitioners. But by the efficient aid of Hon. Wm. G. Bates, counsel for the Petitioners, the case was made clear. The course which the subject took in Committee after the hearing was over, being now no secret, it will be stated.

After the Committee room was cleared of all but the Committee, the Chairman requested the Committee to meet the next Tuesday, with

their minds made up on the question of reporting or refusing a bill.—At this meeting but four of the six members were present, and although the other two were in the house, they did not find it convenient to attend. On the question being taken, all but the Chairman voted in favor of the petition—the Chairman of course not voting, the vote was unanimous.

The Chairman however, managed to postpone a final decision, for a couple of days, and at the next meeting the whole six were present.—Then the vote was three in favor of a bill, and two against. Yet that same Chairman drew up an adverse report about three weeks after, and when one of the Committee who had voted against the petition, had been gone more than two weeks on his way to Europe, and the Chairman signs his name, and as he says “for a majority of the Committee!” A counter report was forthwith drawn up, and signed by three of the Committee and both reports came before the Legislature.

I would here ask any one who feels an interest in this question, to pause, and consider the extreme unfairness of this transaction. The Chairman undertakes to call his a “majority report,” when there were absolutely but five acting members on the question when the report was made, or who had been for two weeks previous, and *three* of this same committee presented a counter report over their own names! It need not be wondered at, that the bystanders in the Committee-room, who watched every movement closely, *spontaneously* expressed their conviction on the first day of the hearing, that “the Chairman had got his face set against us.” I give no opinion on my own part, on the subject, but after giving the reports as they came into the Legislature, I wish each to judge for himself as to the general character of the two for fairness and candor. It struck me forcibly during the hearing, that the Chairman was extremely *rigid* with the petitioners, and extremely indulgent to the remonstrants. And, he seemed to me to note down with alacrity, the statements of the remonstrants, while he seemed to be less earnest in noting the evidence of the petitioners, but doubtless the Chairman had reasons which satisfied himself at least, for the course he took throughout the whole hearing; and in regard to the report which he sanctioned with his name.

I now leave the whole matter, except what passed in the Legislature.

The Chairman made his report to the Senate, as he had a right to do if he chose, although *courtesy* would have required him if the petitioners desired it, to report to the House where the petition was presented, but there was a difficulty in that, as all the members of the Committee on the part of the House who were there, or who had been in their seats for several weeks, were opposed to this report. It being reported in the Senate, it was accepted without debate, and passed directly to the House, where it met the *real* majority report, adverse to that of the Chairman.

When the question came up in the House in its regular course, on Friday the 27th of April, Mr. Hull of Westfield, on the part of the ma-

jority committee, stated in a brief, concise and very lucid manner, the case as it appeared at the hearing before the Committee, and he denied strongly for himself and his colleagues on the Committee, the statements of the Hon. Chairman, and he remarked that he neither admitted what that gentleman was pleased to call "facts," nor his conclusions; But as Mr. Hull's statement is very fully reported in one at least of the Springfield papers, I will not repeat it here. The House was all attention during the time, and the vote showed that the subject was understood and appreciated—the vote standing more than four in favor to one against passing the bill to a second reading.

On the occasion of taking the question of passing the bill to a third reading, on Monday April 30, a scene occurred which for the credit of the individual who took a prominent part, I sincerely wish might be consigned to oblivion, but my duty requires me to give as good an account of it as I am able.

Here I will take occasion to say, that in answer to numerous inquiries of me from a great many members, how the members from Springfield were going on the question? my uniform answer was, that those who lived in the town of Springfield would all go for it, and I had their own repeated declarations to me and to others, for my authority. Mr. Stowe has always expressed himself decidedly in favor of the passage of the bill in accordance with the prayer of the petitioners, nor have I heard an intimation during the time the subject has been before the Legislature, of a question raised to the contrary. The same I will say of Mr. Barton. As to Doctor Pyncheon, I had but two interviews with him on the subject, and at both times he expressed his approbation of the objects of the Petitioners, of his conviction that a great and undeniable exigency existed, and he gave me distinctly to understand that he should vote for the bill. I did not feel that I could ask him to make a *speech* in its favor, as I had been informed that he had not opened his mouth during the session of near four months, except to say yea and nay. As to Mr. Wells of Chicopee, I had no assurance from him in one way or the other, but on his stating some difficulties he had in making up his mind, on account of a want of knowledge of location, I did what I could by the aid of plans to enlighten him, and I did not see how he could go against the measure, as he must have seen that *practically* we asked for nothing more than a right of way, and *that* he frankly told me he had no objections to giving.

As to Mr. Dickinson, I never to my recollection, changed a word with him on the subject, until immediately before the question was coming up, I explained to him by the aid of the plans, the operation of the matter, and never presumed to ask him how he was going to vote. But now I am speaking of Mr. Dickinson, I will say, that he was *not* convinced by the speech of Doctor Pyncheon to go against the bill, and he *voted for it*.

It having been suggested to me, on the morning of the day when the bill was to come up on its second reading, that Dr. P. would after all, go against it, I took the liberty to ask him in his seat, if the report

was well founded—he said yes, and remarked that although until lately he had been in favor of the petition, he should now go against it! I asked him jocularly if he was going to make a speech against it, his answer was no.

When the question came up, Mr. Hull of Westfield, of the Committee which had our petition in charge, made a most clear and satisfactory explanation of the question, and the course it had taken in Committee, and expressed his entire confidence that the petitioners had made out a good case, and he stated the consideration which operated with him in coming to that conclusion. The main fact was that a strong case of exigency had been made out, and on examination it did not appear that any material injury was to result to any one, and if there should be a pecuniary injury, the Aqueduct Company were liable for whatever damages they caused. That the petitioners simply asked liberty to take their own springs and carry the water to those who needed it. As to the objection raised in regard to apprehended damage to the Poor House Farm, it was in evidence that a supply of water from the Aqueduct would be a better supply than they now had by means of a pump from the ditch, and this testimony was from Mr. Blake, the principal overseer, besides this, the evidence was strong that the farm would be benefitted rather than injured by taking away a part of the water. Mr. Hull alluded to the pretended "compromise" of last year, and stated that as he understood the evidence there was no compromise.

He then spoke of the "Mill River scheme," which he properly denominated a "*humbug*," and with reason supposed that it was only intended to aid in thwarting the Petitioners, without the least intention of going on with it, and that was evident from the fact that no one appeared before the Committee to take care of it. This is only a meager summary of Mr. Hull's very luminous statement of the case, and his remarks were listened to with marked attention by the House. I ought not to omit that Mr. Hull spoke of the certificate of the Selectmen of Springfield stating that they never authorized any idea that they were opposed to the Petition, or that they thought the interests of the Town were likely to be endangered by what the Company proposed to do; of course the Chairman in his report gave in this respect an unauthorized statement. The citizens' meeting was also alluded to, at which the expression was very nearly unanimous in favor of the powers asked by the company.

Mr. Kellogg, of Pittsfield, then made some remarks to the amount, that he had not had opportunity to examine the subject, but as at present advised he must vote against the bill. The question was then taken, and resulted in a vote of more than four in favor to one against the bill.

The subject came up next in course for a passage to a third reading on Monday forenoon, April 30. On the question being stated, Mr. Hull made a few explanatory remarks, and Mr. Freeman, of Boston, said a few words in favor of the bill, no one desiring or expecting anything like a *speech* on either side. At this stage of the matter, Deot.

Pyncheon, of Springfield, arose, and from the fact that it was the first time he had attempted to address the House, there was an extensive inquiry who he was. Doct. P. commenced by making a most abusive, violent and disingenuous attack upon the Aqueduct Company, and *Mr. Stearns*, whose name he called out most improperly during his speech from 10 to 20 times, attempting to give the impression that *Mr. Stearns* was the Aqueduct Company, and that what was asked was all for his benefit, and that it was a "*monopoly*" that did not deserve encouragement. Doct. P. said in so many words, that *Mr. Stearns* was "the body and soul, the beginning and the end, the Alpha and the Omega of the concern." That he was supplying Railroads and Steam Engines and other big concerns which he had no right to do. If he would cut them off, there would be water enough for the people. He said he was a water taker from the Aqueduct at several places, and he could not well do without it, indeed he considered it one of the greatest boons he enjoyed in life! He denied that there was any evidence that a majority of the people of Springfield was in favor of the petition. In short he disputed every material position taken by the members of the Committee who made the counter report, and the statements to the House of Mr. Hull, one of the Committee, which report and statement were founded on the testimony given to the Committee in their long investigation, and thorough examination of the case,—indeed he went so far as to say that nothing could be said that would induce him to favor the passage of the bill.

Doct. P. made one statement in his speech that I consider a slander on myself personally, which was, that "to *Mr. Stearns* more than to any other person, he owed his seat on that floor." I have elsewhere, and I wish here to deny in the most positive manner, the charge, and to say, that in common with the mass of the Whigs of Springfield, I was utterly astonished at his nomination and wholly disapproved of it, well knowing that Doct. P. had never been known as a reliable Whig, nor had he ever exhibited any evidence that he possessed other suitable qualifications for the responsible station of member of the Legislature.

I did indeed vote for Doct. Pyncheon as he was one of the nominees of the Whig meeting, and that is all the agency I had in placing him in that position.

Doct. P. made one allusion in his speech, which I think furnishes a clue to the motives which actuated him in taking the course he did. He remarked that "he had been on bad terms with *Mr. Stearns* for a number of years." Now in the sincerity of my heart I will say that I was ignorant of the fact, and was surprised to hear such an avowal. It is true that some business matters between the Father of Doct. P. and myself, more than ten years ago, caused a difference of opinion between us, and perhaps an alienation of feeling—and very probably Doct. P. sympathized with his father, as it is natural he should do, yet I was not aware that he harbored any malice against me on that account, more especially as he did in the time of the transaction declare

that he considered that I had made (in writing) propositions for an adjustment, that were perfectly fair, and that his father ought to accede to them. Doct. Pyncheon's father has been dead near two years, and all business matters between us have been satisfactorily adjusted long since. Yet it would seem that Doct. P. has been treasuring up his malignity, and he has taken this occasion to vent it.

Mr Wells of Cabotville followed, but in a tone of voice that did not enable me to understand him. I inferred however that he was against the bill. At this juncture, the previous question was called for, and sustained, and with the impression created in the House by Doctor Pyncheon's extraordinary speech, and neither of the other Representatives from Springfield present to set the matter right, no wonder that the third reading of the bill was rejected by 11 majority. In the afternoon the gentleman who moved the previous question feeling that the Petitioners had been unjustly dealt by, in not being allowed to be heard, moved a reconsideration. Immediately upon which, Doct. P., not satisfied with the misstatements, distortions and slander he had uttered on the former occasion, got up and opposed most strenuously a reconsideration, asserting that a majority of the people of Springfield were not in favor of the passage of the bill, and more, that his colleagues who were absent were also opposed to it! I do not think it worth while to say anything more of Doct. Pynchon or his speech.

Mr. Griswold, of Greenfield advocated a reconsideration, and Mr. Freeman, of Boston, also spoke on the same side. But under the impression made by the assertions of Doct. P. and by the fact that members were impatient to close the session, it was lost by a majority of two, although I have no doubt that if the question had come up, it would have been carried by a large majority. Thus ended the matter for the present Legislature.

There are other circumstances than those named, which have operated strongly against the petition of the Aqueduct Company, which ought not to be overlooked. It is notorious here as well as elsewhere, that when the question was pending in regard to the original act last year, the petition was opposed by several persons of wealth and influence :—but by no one so pertinaciously and uncompromisingly, as by the member of the Executive Council from the district of Berkshire and Hampden. *He* took it upon *him* to draw a bill such assuited *him* ; and failing in procuring its adoption, he took upon him the labor of loading the bill reported by the Committee with amendments, which if adopted would have made it utterly worthless—but he did not succeed in this scheme. He did however succeed in restricting the Company to use certain Springs named, and when the bill was thus mutilated and curtailed, he and his friends still opposed it with their utmost efforts through every stage in the Legislature. I do not mean that the Executive Counsellor made a speech on the floor in either branch, but he opposed it in other portions of the State House ; *I mean the Lobbies !* and the position he held, and the leisure he enjoyed beside the long ex-

perience he has had in the appliances to be used in effecting favorite objects in Legislation, gave him great advantages.

I have only to say, that the means generally which he used last year, he has repeated this year, being again honored by the peoples' Representatives to the same elevated post he occupied last year. I have nothing further to say in regard to the course of the Hon. Gentleman, except that if he has not interfered improperly with questions before the Legislature, and thereby lowered the dignity belonging to his station, I am entirely mistaken.

Having given in as few words as I could, the history of this petition to the Legislature, and the causes which operated to defeat it, I will venture to predict that water will continue to flow from the sources which supply both the streams which have been frequently named in the discussion of this question, **FOR ALL TIME TO COME**, or until some great convulsion shall change the present economy of things in this portion of the earth, and that these streams will not flow comparatively useless to the Connecticut, and from thence to the ocean, although wealthy proprietors of adjoining lands may have their "fancy" gratified thereby, but this water is destined by Providence to supply the necessity of the large mass of the population between the northern boundary of our Town on the north, and Mill River on the South; and the time is not distant when the causes of all the opposition that has been made, (private grudges,) will be consigned to oblivion, and universal wonder will be expressed by those who are to succeed us in this populous, thriving and highly respectable Town, that any motive whatever could have operated to defeat for one year even, an object so beneficial in its effects, as the cheap and abundant supply of pure water for the whole population.

CHARLES STEARNS.

Springfield, May, 1849.



10/10/10

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J C Gray's
n. W. Gray's
office
Sat. Sep 1.

